



FILED

JUL 10 2025

**GALE A. NEULIEB
CITY CLERK
CITY OF MICHIGAN CITY**

A G E N D A
COMMON COUNCIL – IN PERSON - REGULAR MEETING
Tuesday, July 15, 2025

Meeting to be held at **6:30 p.m.**, local time,
in the Council Chambers, City Hall 100 E. Michigan Blvd.
and **Hosted by “Hybrid/Zoom” and streaming live on the**
Access LaPorte County Facebook page
See attached to connect to “Hybrid/Zoom.”

**CALL TO ORDER BY COUNCIL
PRESIDENT**

PLEDGE OF ALLEGIANCE TO THE FLAG and PRAYER

ROLL CALL

APPROVAL OF MINUTES

Regular Council (Hybrid/Zoom) July 1, 2025
Executive Session July 9, 2025

REPORTS OF STANDING COMMITTEES

FINANCE COMMITTEE MEETING

CLAIMS DOCKET

July 15, 2025

Fund #2235 – Riverboat – Claims -	\$	0.00
EFT	\$	0.00
Rainy Day (Fund 2236)	\$	19,892.50
Fund #2504 – Boyd Development -	\$	34,000.00
EFT	\$	0.00
TOTAL CLAIMS	\$	53,892.50

REPORTS FROM BOARDS AND COMMISSIONS

REPORTS OF SPECIAL or SELECT COMMITTEES

REPORTS from MAYOR OR OTHER CITY OFFICERS AND DEPARTMENTS

Clarence Hulse Michigan City Economic Director – 2025 Tax Abatement CF-1

NOTE: A VOTE WILL BE TAKEN TO APPROVE THE CF-1 APPLICATIONS RECEIVED

Jeff Loniewski, Cemetery Superintendent- 2025 Annual Report

PETITIONS

PETITION FOR ESTABLISHMENT OF ECONOMIC IMPROVEMENT DISTRICT PURSUANT TO INDIANA CODE 36-7-22

COMMUNICATIONS

Correspondence was received in the Clerk's Office on July 9, 2025, from the Michigan City Firefighters Association Local 475, regarding opening contract negotiations.

A notice was received in the Clerk's Office on July 8, 2025, from Attorney Alan Sirinek regarding the Notice of Intent to File a Petition for the Establishment of an Economic Improvement District for the SOLA Project.

Correspondence was received in the Clerk's Office on July 7, 2025, from the Michigan City Police Department, regarding the National Night Out event.

A Formal Public Hearing notice was received in the Clerk's Office on June 26, 2025, regarding the proposed Crew Carwash located at 4252 Franklin Street, Michigan City

RESOLUTIONS

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
MICHIGAN CITY, INDIANA GRANTING D. MARTIN ENTERPRISES,
INC. AN ASSESSED VALUATION DEDUCTION (TAX ABATEMENT)
FOR DEPRECIABLE PERSONAL PROPERTY INSTALLED AND
PLACED INTO SERVICE, PURSUANT TO INDIANA CODE 6-1.1-12.1**

Introduced by: Tracie Tillman

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
MICHIGAN CITY, INDIANA ACCEPTING A PETITION FOR THE
CREATION OF AN ECONOMIC IMPROVEMENT DISTRICT, AND
REGARDING OTHER MATTERS RELATED THERETO**

Introduced by: Tracie Tillman

ORDINANCES

ORDINANCE 1st READING

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA, AUTHORIZING THE CITY OF MICHIGAN CITY, INDIANA, TO ISSUE ONE OR MORE SERIES OF ITS ECONOMIC DEVELOPMENT REVENUE BONDS AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO IN CONNECTION WITH THE SOLA PROJECT

Introduced by: Tracie Tillman

ORDINANCE 1st READING

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA, AUTHORIZING THE CITY OF MICHIGAN CITY, INDIANA, TO ISSUE ONE OR MORE SERIES OF ITS ECONOMIC DEVELOPMENT TAX INCREMENT REVENUE BONDS AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO IN CONNECTION WITH THE SOLA PROJECT

Introduced by: Tracie Tillman

ORDINANCE 1st READING

ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA ESTABLISHING AN ECONOMIC IMPROVEMENT DISTRICT AND AUTHORIZING AND APPROVING OTHER ACTIONS WITH RESPECT THERETO

Introduced by: Tracie Tillman

**ORDINANCE
1st READING**

**AMENDING SEC. 2-403(a) AND (b) IN THE MICHIGAN CITY
MUNICIPAL CODE REGARDING THE RESIDENT WORKER
TRAINING DEVELOPMENT FUND**

Introduced by: Nancy Moldenhauer
Tim Bietry
Dr. Kora
Daisy Lee
Don Przybylinski
Bryant Dabney

**ORDINANCE
1st READING**

**APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF
THE GOLF NON-REVERTING FUND #2508 TO REPLACE THE
SATELLITE IRRIGATION SYSTEM AT THE MICHIGAN CITY
MUNICIPAL GOLF COURSES**

Introduced by: Bryant Dabney

(DECREASE Golf Non-Reverting Fund #2508 Unappropriated balance
\$181,000.00 INCREASE ACCOUNT #2508.000.439.090
\$181,000.00 Contractual Services)

**ORDINANCE
1st READING**

**REPEALING, AMENDING, AND CREATING VARIOUS ARTICLES AND
SECTIONS IN THE MICHIGAN CITY MUNICIPAL CODE REGARDING
STORMWATER AND DRAINAGE**

Introduced by: Don Przybylinski


NEW BUSINESS

UNFINISHED BUSINESS

COMMENTS FROM THE PUBLIC

COMMENTS FROM THE COUNCIL

ADJOURNMENT



Gale A. Neulieb, City Clerk

You are invited to a Zoom webinar.

When: **Tuesday, July 15, 2025, 6:30 PM** Central Time (US and Canada)

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84298000057?pwd=RXVRUkhobXI2aVE2R1lIR0VEVtI3dz09>

Passcode : 463601 Webinar ID: 842 9800 0057 Passcode: 463601 Or One tap mobile:

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA GRANTING D. MARTIN ENTERPRISES, INC. AN ASSESSED VALUATION DEDUCTION (TAX ABATEMENT) FOR DEPRECIABLE PERSONAL PROPERTY INSTALLED AND PLACED INTO SERVICE, PURSUANT TO INDIANA CODE 6-1.1-12.1

WHEREAS, a Deduction for Rehabilitated or Redevelopment of Real Property in Economic Revitalization Areas is authorized under Indiana Code 6-1.1-12.1 *et seq.* (the "Act") in the form of deductions of assessed value for: (i) qualified real property improvements under Section 3; (ii) the installation of qualified personal property under Section 4.5; and (iii) of the occupancy of an eligible vacant building primarily used for commercial or industrial purposes under Section 4.8 of the Act, each as a result of new development, redevelopment and/or rehabilitation; and

WHEREAS, Resolution No. 4940 (the "ERA Resolution") of the Common Council of the City of Michigan City, Indiana (the "Common Council"), as approved and adopted on December 17, 2024, re-designated and re-established a certain area located within the City of Michigan City, Indiana (the "City"), being the entire corporate municipal jurisdiction of the City, as the Economic Revitalization Area (the "ERA"); and

WHEREAS, The ERA Resolution remains in full force and effect as adopted and approved, such that the designation of the ERA and the effectiveness of the ERA Resolution expires on December 31, 2026; and

WHEREAS, D. Martin Enterprises, Inc. (the "Company"), pursuant to Section 4.5(a) of the Act has filed with the Common Council a **Statements of Benefits Personal Property (FORM SB-1/PP)** (the "Statement of Benefits") dated June 25, 2025, **EXHIBIT A** attached hereto, which proposes the purchase and acquisition of certain equipment (including, but not limited to "Robotic racking system, forklift, paddle mixers, mixing dust exhaust system, welding machines with portable exhaust systems, overhead cranes, batch dryers, a plotter, and network infrastructure to allow for the shaping of refractory pieces utilized in the melt shop of steel mills to line vessels containing liquid steel") deemed to be depreciable personal property machinery and equipment ("PPME") for installation and placement into service "(the "Project") on real property located at 50 S. Motts Parkway in the City (real property tax number: 46-01-35-476-004.000-022 consisting of approximately 13.6 acres) with a personal property tax number to be determined upon the first assessment date filing of a FORM 103 of the Company as issued by the Michigan Township Assessor or other duly authorized state of Indiana assessing official, and

WHEREAS, the Company, upon approval of economic development incentive(s) by the City, intends to purchase and acquire said certain equipment and new PPME as part of a capital investment plan during the period from September 1, 2025 through December 31, 2027 in a total amount anticipated to be **\$4,120,000** for the Project, to be placed into service and assessed for the January 1, 2026; January 1, 2027; and January 1, 2028 assessment dates (the "Assessment Dates"); and

WHEREAS, The Economic Development Corporation, Michigan City, Indiana ("EDCMC") submitted to the Common Council, as the designating body pursuant to Section 4.5(a) of the Act, the following documents related to the Company's request for an assessed valuation deduction of qualified depreciable personal property within the ERA: (i) the Statement of Benefits ("FORM SB-1/PP") as completed and (ii) other supplemental information related to said request for an ERA assessed valuation deduction; and

WHEREAS, The Common Council has confirmed that the Company's facility located at 50 S. Motts Parkway in the City (real property tax number: 46-01-35-476-004.000-022) is within the boundaries of the ERA, and therefore the Common Council may make a determination pursuant to Section 4.5 of the Act, based upon the evidence, as to whether Company shall be allowed an assessed valuation deduction of qualified depreciable personal property investments made within the ERA.

NOW, THEREFORE, BE IT RESOLVED that the actions of the Common Council of the City of Michigan City, Indiana pursuant to Section 4.5(b) of the Act are based upon the evidence as presented

by the Company after review of the Statement of Benefits as well as other pertinent information provided by the EDCMC and upon the following findings in the affirmative also pursuant to Section 4.5(b) of the Act, that:

1. The Project is reasonable for a project of its nature;
2. The estimated number of individuals who will be employed or whose employment will be retained (an estimated total of 54 employees) can reasonably be expected to be a result of the Project and the installation of depreciable personal property;
3. The estimated annual salaries of those individuals who will be employed or whose employment will be retained (an estimated total salary of \$1,978,528) can reasonably be expected to be a result of the Project and the installation of depreciable personal property; and
4. The totality of the benefits is sufficient to justify an assessed valuation deduction as a result of the Project and the installation of depreciable personal property.

BE IT FURTHER RESOLVED that pursuant to Section 2(k) of the Act, the Common Council acknowledges that the Project is located within a designated allocation area of the Redevelopment Commission of Michigan City, Indiana under Indiana Code 36-7-14-39 or Indiana Code 35-7-15.1-26, more specifically pursuant to Redevelopment Commission Resolution No. 3-15 approved and passed on February 23, 2015 designating the Eastside Allocation Area.

BE IT FURTHER RESOLVED that the Common Council hereby grants the Company an assessed valuation deduction (Tax Abatement) from qualified depreciable personal property investments – machinery and equipment (“PPME”) as newly purchased limited to a cost of \$4,120,000 to be installed and placed into service by the Company between September 1, 2025 and December 31, 2027, which is to be fully assessed on one of the identified Assessment Dates (January 1, 2026; January 1, 2027, and January 1, 2028) to be stated and identified on the Company’s FORM 103-Long and FORM 104 filings for a tax identification number to be determined by the Michigan Township Assessor or other duly authorized state of Indiana assessing official upon initial filing of said forms, all in accordance with the Act as it relates to the Project and as identified on the Statement of Benefits attached to **EXHIBIT A** hereto.

BE IT FURTHER RESOLVED that the final determination of the amount of assessed valuation deduction of the Project for investments in qualified depreciable personal property shall be made by the appropriate Michigan Township, Indiana Assessor, LaPorte County, Indiana Assessor, LaPorte County, Indiana review board, or State of Indiana agency.

BE IT FURTHER RESOLVED that pursuant to Sections 4.5(c) and 17 of the Act, the Common Council, based upon its affirmation of criteria pursuant to Section 4.5(b) of the Act as stated above, hereby grants the Company an assessed valuation deduction period of five (5) years from the first assessment date on which PPME is assessed on a FORM 103-Long and FORM 104 filings, including all required deduction form required by the Act and the Indiana Department of Local Government Finance (the “DLGF”) for submission and filing, for which said deduction percentage schedule for qualified depreciable personal property applies over said this five (5) year abatement period, more specifically identified in **EXHIBIT B** attached hereto.

BE IT FURTHER RESOLVED that the assessed valuation deduction percentages as set forth in **EXHIBIT B** during the five (5) year abatement period is attached hereto in order to meet the requirements of Sections 4.5(c) and 17 of the Act.

BE IT FURTHER RESOLVED that the assessed valuation deduction percentages as identified in **EXHIBIT B** shall begin upon the installation, placement into service, and the full assessment of depreciable personal property as a result of the Project (to be not later than January 2, 2028) by the appropriate assessing authority, regardless of the expiration date of the ERA as established by the ERA Resolution.

BE IT FURTHER RESOLVED that the Common Council may impose a fee on the tax savings realized by the Company pursuant to Section 14 of the Act as a result of the application of an ERA deduction as calculated by the Office of the LaPorte County, Indiana Auditor and as billed by the Office of the LaPorte County, Indiana Treasurer.

BE IT FURTHER RESOLVED that, pursuant to Ordinance No. 4417 (“Establishing a fee as provided for in IC 6-1.1-12.1-14 for tax abatements granted pursuant to IC 6-1.1-12.1-3, -4.5, or -4.8”) of the Common Council, adopted and approved on January 3, 2017 and having received the written consent of the Company in accordance with Section 14(b) of the Act, a copy of which is attached hereto as **EXHIBIT C** and is made a part hereof and incorporated herein, and pursuant to Section 14(b) of the Act, for each year the Company’s personal property tax liability is reduced by an assessed valuation deduction related specifically to the installation, placement into service, and the full assessment of depreciable personal property as a result of the Project, the Company shall pay to the LaPorte County, Indiana Treasurer a fee in the amount computed and determined by the LaPorte County, Indiana Auditor pursuant to the provisions of Section 14(c) of the Act (the “Imposed Fee”) such that:

1. The Common Council hereby determines that **fifteen percent (15%)** shall be the percentage to be applied by the LaPorte County, Indiana Auditor for purposes of STEP TWO of Section 14(c) of the Act;
2. Accordingly, for each year the Imposed Fee is payable by the Company, the Imposed Fee shall be equal to the lesser of One Hundred Thousand Dollars (\$100,000) or fifteen percent (15%) of the additional amount of personal property taxes that would have been paid by the Company during that year if the deductions approved in this Resolution had not been in effect, i.e., 15% of the Company’s personal property tax savings attributable to a deduction from the assessed valuation from the Project; and
3. Pursuant to Section 14(d) of the Act, the Imposed Fee, as collected, shall be distributed to the **Economic Development Corporation, Michigan City, Indiana** as a tax exempt governmental (nonprofit) entity established to promote economic development within the corporate limits of the City as determined by the Common Council as the designating body.

BE IT FURTHER RESOLVED that the Company has agreed to the following imposed reasonable conditions during the abatement period upon approval of an assessed valuation deduction for PPME as herein specified and authorized under Section 2(i)(6) of the Act and to be included under Item G (page 2) of the approved FORM SB-1/PP:

Condition #1: The Company by May 10 of each calendar year during the period for which an ERA assessed valuation deduction is applicable shall submit to the City or its authorized representatives as it applies to the Project, the FORM 103, FORM 103-EL and/or FORM 103-ERA to supplement the FORM CF-1/PP (“Compliance with Statement of Benefits”) that is annually filed with the City for each personal property ERA assessed valuation deduction so that the City may verify and confirm the following: (i) the ERA assessed valuation deductions reported by the Company and/or approved by the Office of the Assessor for Michigan Township, Indiana and (ii) the calculation of the Imposed Fee by the Office of the LaPorte County, Indiana Auditor.

Condition #2: The Company understands and agrees that the annual deductions during the five (5) year abatement period shall be **limited to a cost of \$4,120,000 of the Project** and as a result of ERA assessed valuation deductions from depreciable personal property installed, placed into service, and assessed on the Assessment Dates, and for which ERA assessed valuation deductions are applied. The City, from the first year of assessment for which a depreciable personal property ERA assessed valuation deduction is applied and for the duration of the five (5) year abatement period, shall annually cause to be prepared a schedule monitoring the annual, total, and cumulative tax savings realized; such that, once this limit of cost investment is realized or attained, the City’s Common Council will: (i) notify the Company and (ii) take action to terminate subsequent assessment date ERA assessed valuation deductions to be applied by the appropriate Michigan Township, Indiana Assessor, LaPorte County, Indiana Assessor, LaPorte County, Indiana review board, or State of Indiana agency.

BE IT FURTHER RESOLVED that the City agrees to comply with the privacy notices of said FORM 103, FORM 103-EL and FORM 103-ERA as confidential filings in accordance with I.C. 6-1.1-35-9 and that said documents: (i) are not statutorily required filings to the City to review a personal property assessed valuation deduction of the Company but as a reasonable condition as herein specified and included under Item G (page 2) of an approved FORM SB-1/PP and (ii) are submitted to supplement the Company’s annually filed FORM CF-1/PP for each personal property ERA assessed valuation deduction such that the

City may only utilize said forms to verify and confirm: (a) ERA assessed valuation deductions reported by the Company and/or as approved by the appropriate Michigan Township, Indiana Assessor, LaPorte County, Indiana Assessor, LaPorte County, Indiana review board, or State of Indiana agency, and (b) the calculation of an Imposed Fee by the Office of the LaPorte County, Indiana Auditor; and, therefore said documents are deemed not to be public record(s) and shall not be made available to the public.

BE IT FURTHER RESOLVED that the City agrees not to impose a claw back provision for tax savings for any tax liability years in which the Company complies with the Statement of Benefits, the annual filings required pursuant to the Act, the conditions of this Resolution and the reasonable and timely payment of an applicable Imposed Fee during the five (5) year abatement period for which an ERA assessed valuation deduction is applied.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to cause the filing of all appropriate approval documents related to this Resolution with the Office of the Assessor for Michigan Township, Indiana as it applies to this Resolution and the approval of the Company's ERA assessed valuation deduction, more specifically the following documents or information:

- 1. The Statement of Benefits, as approved, properly completed consistent with this Resolution and as signed and attested by the appropriate City officials;
- 2. A certified copy of this Resolution; and
- 3. An approved and signed copy of the minutes of the meeting at which the Common Council approves this Resolution and the Statement of Benefits.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to cause the filing of all appropriate approval documents related to this Resolution with the Office of the LaPorte County, Indiana Assessor as it applies to this Resolution and the approval of the Company's ERA assessed valuation deduction, more specifically the following documents or information:

- 1. The Statement of Benefits, as approved, properly completed consistent with this Resolution, and as signed and attested by the appropriate City officials;
- 2. A certified copy of this Resolution; and
- 3. An approved and signed copy of the minutes of the meeting at which the Common Council approves this Resolution and the Statement of Benefits.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to cause the filing of all appropriate approval documents related to this Resolution with the Office of the LaPorte County, Indiana Auditor as it applies to this Resolution and the approval of the Company's ERA assessed valuation deduction, more specifically the following documents or information:

- 1. The Statement of Benefits, as approved, properly completed consistent with this Resolution and as signed and attested by the appropriate City officials;
- 2. A certified copy of this Resolution; and
- 3. An approved and signed copy of the minutes of the meeting at which the Common Council approves this Resolution and the Statement of Benefits.

BE IT FURTHER RESOLVED that if any part, clause, or portion of this Resolution shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this Resolution as a whole or any other part, clause, or portion of this Resolution.

This Resolution shall be in full force and effect from and after its passage and adoption by the Common Council and upon approval of the Mayor.

INTRODUCED BY: _____
Tracie Tillman, President
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana this ____ day of _____, 2025.

Tracie Tillman, President
Michigan City Common Council

Approved/Vetoed (circle action taken) by me, this _____ day of _____, 2025.

Angie Nelson Deutch, Mayor
Michigan City, Indiana

ATTEST:

Gale A. Neulieb, Clerk
City of Michigan City, Indiana

Edited and Reviewed by Harris Law Firm, P.C. Upon Request

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. _____

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
MICHIGAN CITY, INDIANA ACCEPTING A PETITION FOR THE
CREATION OF AN ECONOMIC IMPROVEMENT DISTRICT, AND
REGARDING OTHER MATTERS RELATED THERETO**

WHEREAS, on July 8, 2025, there was filed with the Clerk of the City of Michigan City, Indiana (the “City”) a petition (the “Petition”) requesting that the City establish an economic improvement district (the “District”) within the City pursuant to Indiana Code 36-7-22, as amended (the “Act”); and

WHEREAS, the Common Council of the City (the “Common Council”) now seeks to acknowledge receipt of the Petition and authorize the publishing and mailing of a notice of public hearing on the proposed District pursuant to the Act;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA, AS FOLLOWS:

Section 1. The Common Council hereby acknowledges receipt of the Petition, a copy of which is attached hereto as Exhibit A, requesting that the City establish the District as an economic improvement district within the City pursuant to the Act.

Section 2. The Clerk of the City is hereby authorized and directed to cause to be published and mailed a notice of a public hearing on the proposed District in accordance with the Act. The public hearing will take place on Monday, August 4, 2025, during the regularly scheduled meeting of the Common Council at 6:30 p.m. (local time) in the Council Chambers, located at City Hall, 100 East Michigan Boulevard, Michigan City, Indiana.

Section 3. This Resolution shall be in full force and effect immediately from and after is passage by the Common Council and upon compliance with the procedures required by law.

* * * * *

EXHIBIT A

PETITION FOR THE CREATION OF AN ECONOMIC IMPROVEMENT DISTRICT

(See Attached)

This Resolution to be effective upon passage by the Council and approval by the Mayor.

INTRODUCED BY:

Tracie Tillman, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana this 15th day of July, 2025 by a vote of _____ to _____.

Tracie Tillman, President
Michigan City Common Council

(Approved)(Vetoed) by me on the _____ day of _____, 2025.

Angie Nelson Deutch, Mayor of the
City of Michigan City, Indiana

ATTEST:

Gale A. Neulieb, City Clerk of the
City of Michigan City, Indiana

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA, AUTHORIZING THE CITY OF MICHIGAN CITY, INDIANA, TO ISSUE ONE OR MORE SERIES OF ITS ECONOMIC DEVELOPMENT REVENUE BONDS AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO IN CONNECTION WITH THE SOLA PROJECT

WHEREAS, Indiana Code 36-7-11.9 and 12, as amended from time to time (collectively, the “Act”), declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, pursuant to the Act, the City of Michigan City, Indiana (the “City”) is authorized to issue revenue bonds for the purpose of financing, reimbursing or refinancing the costs of acquisition, construction, renovation, installation and equipping of economic development facilities in order to foster diversification of economic development and creation or retention of opportunities for gainful employment in or near the City; and

WHEREAS, the Michigan City Redevelopment Commission (the “Redevelopment Commission”), the governing body of the City of Michigan City Department of Redevelopment and the Redevelopment District of the City (the “District”), exists and operates under the provisions of Indiana Code 36-7-14, as amended from time to time (the “Redevelopment Act”); and

WHEREAS, the Redevelopment Commission has previously declared an area within the City as an economic development area and known as the “Consolidated Economic Development Area” (the “Area”) and designated portions of the Area as allocation areas in accordance with Section 39 of the Redevelopment Act for the purposes of capturing *ad valorem* property taxes levied and collected on all taxable real property from the incremental assessed value in such Area; and

WHEREAS, the City, the Redevelopment Commission, and YAB Development Partners, LLC (the “Developer”), have negotiated a Second Amended and Restated Development Agreement, dated as of December 10, 2024, as amended by a First Amendment to Second Amended and Restated Development Agreement, dated as of June 9, 2025 (collectively, the “Development Agreement”) to provide for the acquisition, construction and equipping of a mixed-use development including (i) an approximately 242-room hotel; (ii) approximately 21,000 square feet of retail and/or commercial space; (iii) approximately 188 condos/townhomes and related improvements with a portion of such condos to be owned by the Developer or an affiliate thereof, with the remaining condos to be sold to third parties; and (iv) an approximately 385 parking structure and any supporting areas (collectively, the “Project”) as more fully described in the Development Agreement; and

WHEREAS, the Redevelopment Commission on July 14, 2025, approved and adopted a resolution for the purpose of making certain amendments to the Area and its plan to designate an area, presently part of the Area, as a separate allocation area pursuant to Section 39 of the Redevelopment Act to be known as the “SoLa Project Allocation Area” (the “SoLa Project Allocation Area”) for purposes of capturing *ad valorem* property taxes levied and collected on all taxable real property from the incremental assessed value located in the SoLa Project Allocation Area (the “SoLa Project Allocation Area TIF Revenues”); and

WHEREAS, the Common Council of the City (the “Common Council”) has approved and adopted an ordinance for the purpose of establishing an economic improvement district within the City in accordance with Indiana Code 36-7-22, as amended from time to time (the “EID Act”), to be known as the “SoLa Project Economic Improvement District” (the “EID District”) and appointing the EID District’s initial governing board (“EID Board”), for the purpose of levying special assessments on parcels of real property located within the EID District (“EID Assessments”) to be deposited in an economic improvement fund to finance economic development projects in the EID District (the “EID Assessment Revenues”); and

WHEREAS, prior to the issuance of the Bonds, the EID Board will provide notice of, including mailing notice to the owners of property within the EID District, and hold a public

hearing on the proposed EID Assessments and thereafter adopt a resolution establishing the EID Assessments and pledging those EID Assessment Revenues to the Bonds; and

WHEREAS, the Developer has advised the City, the City of Michigan City Economic Development Commission (the “Economic Development Commission”) and the Redevelopment Commission concerning the Project, and has requested that the City authorize and issue its economic development revenue bonds in one or more series under the Act, to be designated as the “City of Michigan City, Indiana, Taxable Economic Development EID Revenue Bonds, Series 2025 (SoLa Project)” (with such further series or different series designation as determined to be necessary or appropriate), one or more series of which may be subordinate to one or more series of such Bonds, in an aggregate principal amount not to exceed Eighty Million Dollars (\$80,000,000) provided that such amount shall be reduced by the aggregate principal amount of the Senior TIF Bonds (as defined herein) issued by the City (the “Bonds”), the net proceeds of such Bonds to be used for the purpose of financing a portion of the costs of the Project, capitalized interest on the Bonds, a debt service reserve fund from proceeds of the Bonds or the cost of a reserve surety, if necessary, and costs of issuance of the Bonds; and

WHEREAS, in addition to the Bonds authorized herein, the Common Council has approved and adopted an ordinance authorizing the issuance of economic development tax increment revenue bonds of the City in one or more series under the Act, to be designated as the “City of Michigan City, Indiana, Economic Development Tax Increment Revenue Bonds, Series 2025 (SoLa Project)” (with such further series or different series designation as determined to be necessary or appropriate) in an aggregate principal amount not to exceed Forty-Seven Million Five Hundred Thousand Dollars (\$47,500,000) (the “Senior TIF Bonds”), for the purpose of financing a portion of the costs of the Project, and which Senior TIF Bonds will be payable from a senior pledge of the SoLa Project Allocation Area TIF Revenues (the “Senior TIF Pledge”); and

WHEREAS, the Economic Development Commission, following a public hearing, pursuant to Section 24 of the Act, adopted a resolution which has been transmitted to the Common Council (i) finding that the financing of all or a portion of the costs of the Project will not have an adverse competitive effect on any similar facilities already constructed or operating in or about the City; (ii) further finding that the proposed financing of all or a portion of the costs of the Project complies with the purposes and provisions of the Act; (iii) further finding that such financing will be of benefit to the health and public welfare of the City; (iv) approving the financing of all or a portion of the costs of the Project, capitalized interest on the Bonds, a debt service reserve fund from proceeds of the Bonds or the cost of a reserve surety, if necessary, and costs of issuance of the Bonds, including the forms and terms of a Financing and Loan Agreement (the “Financing Agreement”) by and between the City and the Developer (or an affiliate thereof), a Trust Indenture (the “Trust Indenture”) between the City and a bank to be selected to serve as trustee for the Bonds, the Bonds from the City to the bondholders more fully described below, and this Ordinance (the Financing Agreement, the Trust Indenture, the Bonds, and this Ordinance, collectively, the “Financing Documents”), presented to the Economic Development Commission; and (v) recommending that this Common Council find that the proposed financing of the cost of the Project will be of benefit to the health and general welfare of the City and its citizens, and complies with the purposes and provisions of the Act, and that this Common Council adopt an ordinance approving such financings; and

WHEREAS, no member of this Common Council has any pecuniary interest in any employment, financing agreement or other contract made under the provisions of the Act and related to the Bonds authorized herein, which pecuniary interest has not been fully disclosed to the Common Council, and no such member has voted on any such matter, all in accordance with the provisions of Section 16 of the Act;

NOW, THEREFORE, BE IT ORDAINED By the Common Council of the City of Michigan City, Indiana, that:

Section 1. It is hereby found that the Project constitutes an “economic improvement project” within the meaning of the EID Act and constitutes an “economic development project” and “economic development facilities” within the meaning of the Act and the financing of a portion of the costs of the economic development facilities constituting the Project referred to in the Financing Documents previously approved by the Economic Development Commission and presented to this Common Council; the issuance and sale of the Bonds; the use of the proceeds of the Bonds to finance a portion of the costs of the Project, pay capitalized interest on the Bonds,

fund a reserve fund from proceeds of the Bonds or by the purchase of a surety policy and pay the costs of issuance of the Bonds, the payment of the Bonds from the Note Payments (as hereinafter defined), a junior pledge of the SoLa Project Allocation Area TIF Revenues on a basis junior to the pledge of the SoLa Project Allocation Area TIF Revenues to the Senior TIF Bonds for a period not to exceed twenty-five (25) from the earlier of the date of issuance of the Senior TIF Bonds or the Bonds (the "Junior TIF Pledge"), a pledge of the EID Assessment Revenues by the EID District, and other sources described in the Financing Documents, and the securing of the Bonds under the Indenture comply with the purposes and provisions of the Act and will be of benefit to the health, prosperity, economic stability and general welfare of the City and its citizens.

Section 2. At the public hearing held before the Economic Development Commission, the Economic Development Commission considered whether the Project would have an adverse competitive effect on any similar facilities located in or near the City. This Common Council hereby confirms the findings set forth in the Economic Development Commission's resolution, and concludes that the Project will be of benefit to the health, prosperity, economic stability and general welfare of the citizens of the City.

Section 3. The substantially final forms of the Financing Documents shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk of the City (the "Clerk"). In accordance with the provisions of Indiana Code 36-1-5-4, two (2) copies of the Financing Documents are on file in the office of the Clerk for public inspection.

Section 4. The City shall issue the Bonds in one (1) or more series in the maximum aggregate principal amount not to exceed Eighty Million Dollars (\$80,000,000) provided that such amount shall be reduced by the aggregate principal amount of the Senior TIF Bonds issued by the City, which Bonds shall mature no later than September 1, 2060, and shall bear interest at a per annum rate not exceeding ten percent (10%) per annum (determined through a negotiated sale, a private placement, or sale to the Developer or an affiliate thereof, as set forth herein). The Bonds are to be issued for the purpose of procuring funds to (a) pay all or a portion of the costs of acquiring, constructing and equipping the Project, (b) pay capitalized interest on the Bonds, (c) fund a debt service reserve fund or pay the cost of a reserve surety (if necessary), and (d) pay all incidental expenses on account of the issuance of the Bonds and acquiring any credit enhancement with respect thereto. The Bonds shall be issued in one (1) or more series as fully registered bonds in denominations of \$5,000, or any integral multiple thereof not exceeding the aggregate principal amount of the Bonds maturing in any one (1) year (or in denominations of \$100,000 and \$1,000 in excess thereof) (each an "Authorized Denomination") as may be determined by the Mayor of the City (the "Mayor") and the Controller of the City (the "Controller"), shall be dated the date of their delivery as set forth in the Trust Indenture, shall be fully registered without coupons and numbered consecutively from R-1 upward, and shall be payable in the medium and at the place or places as set forth in the Trust Indenture. The Bonds may be issued as serial bonds and/or term bonds subject to mandatory sinking fund redemption. Principal of and interest on the Bonds shall be payable semiannually on March 1 and September 1, commencing not earlier than March 1, 2026, and shall have a final principal payment due not later than September 1, 2060. Interest on the Bonds shall be calculated according to a three hundred sixty (360)-day calendar year containing twelve (12) thirty (30)-day months.

The Mayor and the Controller, upon consultation with the City's municipal advisor (the "Municipal Advisor"), may designate maturities of the Bonds (or a portion thereof in Authorized Denominations) that shall be subject to optional redemption and/or mandatory sinking fund redemption and the corresponding redemption dates, amounts and prices (including premium, if any) and such terms shall be as set forth in the Financing Documents, provided that the Bonds shall not be subject to optional redemption and/or mandatory sinking fund redemption prior to September 1, 2028.

The Bonds shall be executed on behalf of the City by, and bear the manual or facsimile signature of, the Mayor and the Clerk, and the seal of the City shall be thereunto affixed (or imprinted or engraved if in facsimile).

The Bonds shall be in the form set forth in the final form of the Trust Indenture.

The Bonds shall be special and limited obligations of the City, payable solely from the trust estate created and established under the Trust Indenture (the "Trust Estate"), which Trust Estate

shall consist of the funds and accounts created under the Trust Indenture together with (i) promissory note payments (the "Note Payments") made by the Developer (or an affiliate thereof) under the Financing Agreement, (ii) the Junior TIF Pledge subject to the terms and conditions of a pledge agreement between the Redevelopment Commission and the City, and (iii) a pledge by the EID District of the EID Assessment Revenues subject to the terms and conditions of a pledge agreement between the EID Board and the City, and upon such terms and conditions as otherwise provided in the Financing Documents and this Ordinance. The Bonds and the interest thereon do not and shall never constitute an indebtedness of, or a charge against the general credit, or taxing power, of the City, but shall be special and limited obligations of the City, payable solely from the sources as described in the Financing Documents.

Section 5. The Mayor and the Controller are authorized to provide for the sale of any series of the Bonds either through a negotiated sale or a private placement, or to the Developer or an affiliate thereof, based upon the advice provided by the Municipal Advisor as set forth herein. The Common Council hereby approves Stifel, Nicolaus & Company, Incorporated to serve as either the underwriter or the placement agent (the "Underwriter" or the "Placement Agent") with respect to the sale of any series of the Bonds through a negotiated sale or a private placement.

The Mayor and the Controller, upon consultation with the Municipal Advisor, may determine to provide for any series of the Bonds to be (i) sold through a negotiated sale in the manner and upon the terms and conditions set forth in a purchase agreement between the City and the Underwriter, (ii) placed through a private placement with a qualified purchaser in the manner and upon the terms and conditions set forth in a placement agent agreement between the City and the Placement Agent, at such prices and on such terms as may be determined at the time of such sale or placement and approved by the Mayor and the Controller, or (iii) sold to the Developer or an affiliate thereof. The Mayor and the Controller are hereby authorized to approve and execute a bond purchase agreement in the event any series of the Bonds are sold by negotiated sale to the Underwriter or sold to the Developer or an affiliate thereof, or a placement agent agreement in the event any series of the Bonds are privately placed by the Placement Agent (each, the "Agreement") for any series of the Bonds, in a form and substance approved by such officers, such approval to be conclusively evidenced by the execution thereof. Such Agreement may set forth the definitive terms and conditions for such sale or placement, but all such terms and conditions must be consistent with the terms and conditions of this Ordinance, including without limitation, the interest rate or rates on the Bonds which shall not exceed the maximum rate of interest for the Bonds authorized pursuant to this Ordinance.

In connection with the sale of the Bonds, the Mayor and the Controller each are authorized to take such actions and to execute and deliver such agreements and instruments as they deem advisable to obtain a rating on the Bonds, if necessary, bond insurance for the Bonds, and/or a surety policy to satisfy any reserve requirement, if necessary, and the taking of such actions and the execution and delivery of agreements and instruments are hereby approved.

Section 6. In the event the Bonds are sold by negotiated sale to the Underwriter, the Mayor and Controller are hereby authorized to approve the preparation and distribution of a Preliminary Official Statement for the Bonds. The Mayor and Controller are hereby authorized to deem and determine the Preliminary Official Statement as the near final Official Statement with respect to the Bonds for purposes of Rule 15c2-12 of the Securities and Exchange Commission (the "SEC Rule"), subject to completion in accordance with such SEC Rule and in a manner acceptable to the Mayor and Controller of the City, and to place the Preliminary Official Statement into final form as the Final Official Statement. The Mayor and Controller of the City are hereby authorized to sign the Final Official Statement and by such signature approve of its distribution. In the event that the Bonds are privately placed by the Placement Agent, and a private placement memorandum or term sheet is determined to be necessary or desirable, the Mayor and the Controller are each authorized to approve a form of such document and each are authorized to execute said document as necessary with said execution evidencing their respective approval of such document.

If necessary in order to assist the Underwriter in a negotiated sale of the Bonds in complying with paragraph (b)(5) of the SEC Rule by undertaking to make available appropriate disclosure about the City and the Bonds to participants in the municipal securities market, the City hereby covenants, agrees and undertakes, in accordance with the SEC Rule, unless excluded from the applicability of the SEC Rule or otherwise exempted from the provisions of paragraph (b)(5) of the SEC Rule, that it will comply with and carry out all of the provisions of the continuing

disclosure contract. "Continuing disclosure contract" shall mean that certain continuing disclosure contract executed by the City and dated the date of issuance of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof. The execution and delivery by the City of the continuing disclosure contract, and the performance by the City of its obligations thereunder by or through any employee or agent of the City, are hereby approved, and the City shall comply with and carry out the terms thereof.

Section 7. Each of the Mayor, the Clerk, the Controller and any other officer of the City are authorized and directed to execute the Financing Documents, such other documents approved or authorized herein and any other document which may be necessary, appropriate or desirable to consummate the transaction contemplated by the Financing Documents and this Ordinance, and their execution is hereby confirmed on behalf of the City. The signatures of the Mayor, Clerk, the Controller and any other officer of the City on the Bonds which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the City. The signatures of the Mayor, the Clerk and any other officer of the City on the Bonds may be facsimile signatures or electronic signatures. The Mayor, the Controller and any other officer of the City are authorized to arrange for the delivery of such Bonds to the purchaser thereof, payment for which will be made in the manner set forth in the Financing Documents. The Mayor, the Clerk, the Controller and any other officer of the City may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve any and all such changes therein and also in those Financing Documents which do not require the signature of the Mayor, the Clerk, the Controller or any other officer of the City without further approval of this Common Council or the Economic Development Commission if such changes do not affect terms set forth in Sections 27(a)(1) through and including (a)(10) of the Act.

Section 8. The provisions of this Ordinance and the Financing Documents securing the Bonds of a series shall constitute a contract binding between the City and the holders of the Bonds of such series, and after the issuance of the Bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as the Bonds or the interest thereon remains unpaid.

Section 9. The Common Council hereby finds that (a) the Project and the related financing assistance for the Project provided in the Financing Documents are consistent with the economic development plan for the Area and the SoLa Project Allocation Area; (b) the Developer would not undertake the Project without the financing assistance provided in Financing Documents; and (c) the Project furthers the economic development of the SoLa Project Allocation Area and the Area generally.

Section 10. This Common Council does hereby acknowledge and approve the Junior TIF Pledge to the payment of the Bonds pursuant to the Trust Indenture, junior to the Senior TIF Pledge thereof to the Senior TIF Bonds and any other obligations which by their terms may be payable on a basis senior to the Bonds. Pursuant to Indiana Code 5-1-14-4, the the Junior TIF Pledge, junior to the Senior TIF Pledge, pursuant to the Trust Indenture is intended to be binding from the time the pledge is made, with the Junior TIF Pledge so pledged and thereafter received by the City to be immediately subject to the lien of the pledge, junior to the Senior TIF Pledge, without any further act, and the lien of such pledge, junior to the lien of the Senior TIF Pledge, to be binding against all parties having claims of any kind, in tort, contract, or otherwise against the City, regardless of whether the parties have notice of any such lien.

Section 11. This Common Council does hereby acknowledge and approve the pledge of the EID Assessment Revenues to the payment of the Bonds pursuant to the Trust Indenture. Pursuant to Indiana Code 5-1-14-4, the pledge of the EID Assessment Revenues pursuant to the Trust Indenture is intended to be binding from the time the pledge is made, with such EID Assessment Revenues so pledged and thereafter received by the City to be immediately subject to the lien of the pledge without any further act, and the lien of such pledge to be binding against all parties having claims of any kind, in tort, contract, or otherwise against the City, regardless of whether the parties have notice of any such lien.

Section 12. No stipulation, obligation or agreement herein contained or contained in the Financing Documents, the Bonds or in any other agreement or document executed on behalf of the City shall be deemed to be a stipulation, obligation or agreement of any member of the Common Council, or any officer, agent or employee of the City in his or her individual capacity, and no

such member of the Common Council, officer, agent or employee shall be personally liable on the Bonds or be subject to personal liability or accountability by reason of the issuance thereof.

Section 13. 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 14. It is hereby determined that all formal actions of the Common Council relating to the adoption of this Ordinance were taken in one or more open meetings of the Common Council, that all deliberations of the Common Council and of its committees, if any, which resulted in formal action, were in meetings open to the public, and that all such meetings were convened, held and conducted in compliance with applicable legal requirements, including Indiana Code 5-14-1.5, as amended.

Section 15. The Mayor, the Clerk, the Controller and any other officer of the City are hereby authorized and directed, in the name and on behalf of the City, to execute, attest and deliver such further instruments and documents, and to take such further actions, in the name of the City as in their judgment shall be necessary or advisable in order fully to consummate the transactions described herein and carry out the purposes of this Ordinance, and any such documents heretofore executed and delivered and any such actions heretofore taken, be, and hereby are, ratified and approved.

Section 16. All acts of the officers of the City which are in conformity with the purpose and intent of this Ordinance and in the furtherance of the issuance of the Bonds and the execution, delivery and performance of the documents and agreements authorized hereby are in all respects ratified, approved and confirmed.

Section 17. Any ordinances, resolutions or orders or parts thereof in conflict with this Ordinance are to the extent of such conflict hereby repealed.

Section 18. This Ordinance shall be in full force and effect upon adoption and compliance with Indiana Code 36-4-6.

This Ordinance to be effective upon passage by the Council and approval by the Mayor.

INTRODUCED BY: _____
Tracie Tillman, President
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this ____ day of _____, 2025 by a vote of ____ to ____.

Tracie Tillman, President
Michigan City Common Council

(Approved)(Vetoed) by me, this _____ day of _____, 2025.

Angie Nelson Deutch, Mayor
City of Michigan City, Indiana

ATTEST:

Gale A. Neulib, Clerk
City of Michigan City, Indiana

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA, AUTHORIZING THE CITY OF MICHIGAN CITY, INDIANA, TO ISSUE ONE OR MORE SERIES OF ITS ECONOMIC DEVELOPMENT TAX INCREMENT REVENUE BONDS AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO IN CONNECTION WITH THE SOLA PROJECT

WHEREAS, Indiana Code 36-7-11.9 and 12, as amended from time to time (collectively, the “Act”), declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, pursuant to the Act, the City of Michigan City, Indiana (the “City”) is authorized to issue revenue bonds for the purpose of financing, reimbursing or refinancing the costs of acquisition, construction, renovation, installation and equipping of economic development facilities in order to foster diversification of economic development and creation or retention of opportunities for gainful employment in or near the City; and

WHEREAS, the Michigan City Redevelopment Commission (the “Redevelopment Commission”), the governing body of the City of Michigan City Department of Redevelopment and the Redevelopment District of the City (the “District”), exists and operates under the provisions of Indiana Code 36-7-14, as amended from time to time (the “Redevelopment Act”); and

WHEREAS, the Redevelopment Commission has previously declared an area within the City as an economic development area and known as the “Consolidated Economic Development Area” (the “Area”) and designated portions of the Area as allocation areas in accordance with Section 39 of the Redevelopment Act for the purposes of capturing *ad valorem* property taxes levied and collected on all taxable real property from the incremental assessed value in such Area; and

WHEREAS, the City, the Redevelopment Commission, and YAB Development Partners, LLC (the “Developer”), have negotiated a Second Amended and Restated Development Agreement, dated as of December 10, 2024, as amended by a First Amendment to Second Amended and Restated Development Agreement, dated as of June 9, 2025 (collectively, the “Development Agreement”) to provide for the acquisition, construction and equipping of a mixed-use development including (i) an approximately 242-room hotel; (ii) approximately 21,000 square feet of retail and/or commercial space; (iii) approximately 188 condos/townhomes and related improvements with a portion of such condos to be owned by the Developer or an affiliate thereof, with the remaining condos to be sold to third parties; and (iv) an approximately 385 parking structure and any supporting areas (collectively, the “Project”) as more fully described in the Development Agreement; and

WHEREAS, the Redevelopment Commission on July 14, 2025, approved and adopted a resolution for the purpose of making certain amendments to the Area and its plan to designate an area, presently part of the Area, as a separate allocation area pursuant to Section 39 of the Redevelopment Act to be known as the “SoLa Project Allocation Area” (the “SoLa Project Allocation Area”) for purposes of capturing *ad valorem* property taxes levied and collected on all taxable real property from the incremental assessed value located in the SoLa Project Allocation Area (the “SoLa Project Allocation Area TIF Revenues”); and

WHEREAS, the Developer has advised the City, the City of Michigan City Economic Development Commission (the “Economic Development Commission”) and the Redevelopment Commission concerning the Project, and has requested that the City authorize and issue its economic development tax increment revenue bonds in one or more series under the Act, to be designated as the “City of Michigan City, Indiana, Economic Development Tax Increment Revenue Bonds, Series 2025 (SoLa Project)” (with such further series or different series designation as determined to be necessary or appropriate) in an aggregate principal amount not to exceed Forty-Seven Million Five Hundred Thousand Dollars (\$47,500,000) (the “Bonds”), the net proceeds of such Bonds to be used for the purpose of financing a portion of the costs of the Project,

capitalized interest on the Bonds, a debt service reserve fund from proceeds of the Bonds or the cost of a reserve surety, if necessary, and costs of issuance of the Bonds; and

WHEREAS, the Economic Development Commission, following a public hearing, pursuant to Section 24 of the Act, adopted a resolution which has been transmitted to the Common Council of the City (the "Common Council") (i) finding that the financing of all or a portion of the costs of the Project will not have an adverse competitive effect on any similar facilities already constructed or operating in or about the City; (ii) further finding that the proposed financing of all or a portion of the costs of the Project complies with the purposes and provisions of the Act; (iii) further finding that such financing will be of benefit to the health and public welfare of the City; (iv) approving the financing of all or a portion of the costs of the Project, capitalized interest on the Bonds, a debt service reserve fund from proceeds of the Bonds or the cost of a reserve surety, if necessary, and costs of issuance of the Bonds, including the forms and terms of a Financing Agreement (the "Financing Agreement") by and between the City and the Developer, a Trust Indenture (the "Trust Indenture") between the City and a bank to be selected to serve as trustee for the Bonds, the Bonds from the City to the bondholders more fully described below, and this Ordinance (the Financing Agreement, the Trust Indenture, the Bonds, and this Ordinance, collectively, the "Financing Documents"), presented to the Economic Development Commission; and (v) recommending that this Common Council find that the proposed financing of the cost of the Project will be of benefit to the health and general welfare of the City and its citizens, and complies with the purposes and provisions of the Act, and that this Common Council adopt an ordinance approving such financings; and

WHEREAS, no member of this Common Council has any pecuniary interest in any employment, financing agreement or other contract made under the provisions of the Act and related to the Bonds authorized herein, which pecuniary interest has not been fully disclosed to the Common Council, and no such member has voted on any such matter, all in accordance with the provisions of Section 16 of the Act;

NOW, THEREFORE, BE IT ORDAINED By the Common Council of the City of Michigan City, Indiana, that:

Section 1. It is hereby found that the Project constitutes an "economic development project" and "economic development facilities" within the meaning of the Act and the financing of a portion of the costs of the economic development facilities constituting the Project referred to in the Financing Documents previously approved by the Economic Development Commission and presented to this Common Council; the issuance and sale of the Bonds; the use of the proceeds of the Bonds to finance a portion of the costs of the Project, pay capitalized interest on the Bonds, fund a reserve fund from proceeds of the Bonds or by the purchase of a surety policy and pay the costs of issuance of the Bonds, the payment of the Bonds from the SoLa Project Allocation Area TIF Revenues and other sources described in the Financing Documents, and the securing of the Bonds under the Indenture comply with the purposes and provisions of the Act and will be of benefit to the health, prosperity, economic stability and general welfare of the City and its citizens.

Section 2. At the public hearing held before the Economic Development Commission, the Economic Development Commission considered whether the Project would have an adverse competitive effect on any similar facilities located in or near the City. This Common Council hereby confirms the findings set forth in the Economic Development Commission's resolution, and concludes that the Project will be of benefit to the health, prosperity, economic stability and general welfare of the citizens of the City.

Section 3. The substantially final forms of the Financing Documents shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk of the City (the "Clerk"). In accordance with the provisions of Indiana Code 36-1-5-4, two (2) copies of the Financing Documents are on file in the office of the Clerk for public inspection.

Section 4. The City shall issue the Bonds in one (1) or more series in the maximum aggregate principal amount not to exceed Forty-Seven Million Five Hundred Thousand Dollars (\$47,500,000), which Bonds shall mature no later than September 1, 2050, and shall bear interest at a per annum rate not exceeding eight percent (8%) per annum (determined through a negotiated sale or a private placement, as set forth herein). The Bonds are to be issued for the purpose of procuring funds to (a) pay all or a portion of the costs of acquiring, constructing and equipping the

Project, (b) pay capitalized interest on the Bonds, (c) fund a debt service reserve fund or pay the cost of a reserve surety (if necessary), and (d) pay all incidental expenses on account of the issuance of the Bonds and acquiring any credit enhancement with respect thereto. The Bonds shall be issued in one (1) or more series as fully registered bonds in denominations of \$5,000, or any integral multiple thereof not exceeding the aggregate principal amount of the Bonds maturing in any one (1) year (or in denominations of \$100,000 and \$1,000 in excess thereof) (each an "Authorized Denomination") as may be determined by the Mayor of the City (the "Mayor") and the Controller of the City (the "Controller"), shall be dated the date of their delivery as set forth in the Trust Indenture, shall be fully registered without coupons and numbered consecutively from R-1 upward, and shall be payable in the medium and at the place or places as set forth in the Trust Indenture. The Bonds may be issued as serial bonds and/or term bonds subject to mandatory sinking fund redemption. Principal of and interest on the Bonds shall be payable semiannually on March 1 and September 1, commencing not earlier than March 1, 2026, and shall have a final principal payment due not later than September 1, 2050. Interest on the Bonds shall be calculated according to a three hundred sixty (360)-day calendar year containing twelve (12) thirty (30)-day months.

The Mayor and the Controller, upon consultation with the City's municipal advisor (the "Municipal Advisor"), may designate maturities of the Bonds (or a portion thereof in Authorized Denominations) that shall be subject to optional redemption and/or mandatory sinking fund redemption and the corresponding redemption dates, amounts and prices (including premium, if any) and such terms shall be as set forth in the Financing Documents, provided that the Bonds shall not be subject to optional redemption and/or mandatory sinking fund redemption prior to September 1, 2028.

The Bonds shall be executed on behalf of the City by, and bear the manual or facsimile signature of, the Mayor and the Clerk, and the seal of the City shall be thereunto affixed (or imprinted or engraved if in facsimile).

The Bonds shall be in the form set forth in the final form of the Trust Indenture.

The Bonds shall be special and limited obligations of the City, payable solely from the trust estate created and established under the Trust Indenture (the "Trust Estate"), which Trust Estate shall consist of the funds and accounts created under the Trust Indenture together with a pledge by the Redevelopment Commission of the SoLa Project Allocation Area TIF Revenues, subject to the terms and conditions of a Pledge Agreement between the Redevelopment Commission and the City (the "Pledge Agreement"), and upon such terms and conditions as otherwise provided in the Financing Documents and this Ordinance. The Bonds and the interest thereon do not and shall never constitute an indebtedness of, or a charge against the general credit, or taxing power, of the City, but shall be special and limited obligations of the City, payable solely from the SoLa Project Allocation Area TIF Revenues pursuant to the Pledge Agreement, as described in the Financing Documents.

Section 5. The Mayor and the Controller are authorized to provide for the sale of the Bonds either through a negotiated sale or a private placement based upon the advice provided by the Municipal Advisor as set forth herein. The Common Council hereby approves Stifel, Nicolaus & Company, Incorporated to serve as either the underwriter or the placement agent (the "Underwriter" or the "Placement Agent") with respect to the Bonds.

The Mayor and the Controller, upon consultation with the Municipal Advisor, may determine to provide for the Bonds to be (i) sold through a negotiated sale in the manner and upon the terms and conditions set forth in a purchase agreement between the City and the Underwriter or (ii) placed through a private placement with a qualified purchaser in the manner and upon the terms and conditions set forth in a placement agent agreement between the City and the Placement Agent, at such prices and on such terms as may be determined at the time of such sale or placement and approved by the Mayor and the Controller. The Mayor and the Controller are hereby authorized to approve and execute a bond purchase agreement in the event the Bonds are sold by negotiated sale to the Underwriter or a placement agent agreement in the event the Bonds are privately placed by the Placement Agent (each, the "Agreement") for the Bonds, in a form and substance approved by such officers, such approval to be conclusively evidenced by the execution thereof. Such Agreement may set forth the definitive terms and conditions for such sale or placement, but all such terms and conditions must be consistent with the terms and conditions of

this Ordinance, including without limitation, the interest rate or rates on the Bonds which shall not exceed the maximum rate of interest for the Bonds authorized pursuant to this Ordinance.

In connection with the sale of the Bonds, the Mayor and the Controller each are authorized to take such actions and to execute and deliver such agreements and instruments as they deem advisable to obtain a rating on the Bonds, if necessary, bond insurance for the Bonds, and/or a surety policy to satisfy any reserve requirement, if necessary, and the taking of such actions and the execution and delivery of agreements and instruments are hereby approved.

Section 6. In the event the Bonds are sold by negotiated sale to the Underwriter, the Mayor and Controller are hereby authorized to approve the preparation and distribution of a Preliminary Official Statement for the Bonds. The Mayor and Controller are hereby authorized to deem and determine the Preliminary Official Statement as the near final Official Statement with respect to the Bonds for purposes of Rule 15c2-12 of the Securities and Exchange Commission (the "SEC Rule"), subject to completion in accordance with such SEC Rule and in a manner acceptable to the Mayor and Controller of the City, and to place the Preliminary Official Statement into final form as the Final Official Statement. The Mayor and Controller of the City are hereby authorized to sign the Final Official Statement and by such signature approve of its distribution. In the event that the Bonds are privately placed by the Placement Agent, and a private placement memorandum or term sheet is determined to be necessary or desirable, the Mayor and the Controller are each authorized to approve a form of such document and each are authorized to execute said document as necessary with said execution evidencing their respective approval of such document.

If necessary in order to assist the Underwriter in a negotiated sale of the Bonds in complying with paragraph (b)(5) of the SEC Rule by undertaking to make available appropriate disclosure about the City and the Bonds to participants in the municipal securities market, the City hereby covenants, agrees and undertakes, in accordance with the SEC Rule, unless excluded from the applicability of the SEC Rule or otherwise exempted from the provisions of paragraph (b)(5) of the SEC Rule, that it will comply with and carry out all of the provisions of the continuing disclosure contract. "Continuing disclosure contract" shall mean that certain continuing disclosure contract executed by the City and dated the date of issuance of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof. The execution and delivery by the City of the continuing disclosure contract, and the performance by the City of its obligations thereunder by or through any employee or agent of the City, are hereby approved, and the City shall comply with and carry out the terms thereof.

Section 7. Each of the Mayor, the Clerk, the Controller and any other officer of the City are authorized and directed to execute the Financing Documents, such other documents approved or authorized herein and any other document which may be necessary, appropriate or desirable to consummate the transaction contemplated by the Financing Documents and this Ordinance, and their execution is hereby confirmed on behalf of the City. The signatures of the Mayor, Clerk, the Controller and any other officer of the City on the Bonds which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the City. The signatures of the Mayor, the Clerk and any other officer of the City on the Bonds may be facsimile signatures or electronic signatures. The Mayor, the Controller and any other officer of the City are authorized to arrange for the delivery of such Bonds to the purchaser thereof, payment for which will be made in the manner set forth in the Financing Documents. The Mayor, the Clerk, the Controller and any other officer of the City may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve any and all such changes therein and also in those Financing Documents which do not require the signature of the Mayor, the Clerk, the Controller or any other officer of the City without further approval of this Common Council or the Economic Development Commission if such changes do not affect terms set forth in Sections 27(a)(1) through and including (a)(10) of the Act.

Section 8. The provisions of this Ordinance and the Financing Documents securing the Bonds of a series shall constitute a contract binding between the City and the holders of the Bonds of such series, and after the issuance of the Bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as the Bonds or the interest thereon remains unpaid.

Section 9. The Common Council hereby finds that (a) the Project and the related financing assistance for the Project provided in the Financing Documents are consistent with the economic development plan for the Area and the SoLa Project Allocation Area; (b) the Developer would not undertake the Project without the financing assistance provided in Financing Documents; and (c) the Project furthers the economic development of the SoLa Project Allocation Area and the Area generally.

Section 10. This Common Council does hereby acknowledge and approve the pledge of the SoLa Project Allocation Area TIF Revenues to the payment of the Bonds pursuant to the Trust Indenture senior to any other obligations which by their terms may be payable on a basis junior to the Bonds. Pursuant to Indiana Code 5-1-14-4, the pledge of the SoLa Project Allocation Area TIF Revenues pursuant to the Trust Indenture is intended to be binding from the time the pledge is made, with such SoLa Project Allocation Area TIF Revenues so pledged and thereafter received by the City to be immediately subject to the lien of the pledge without any further act, and the lien of such pledge to be binding against all parties having claims of any kind, in tort, contract, or otherwise against the City, regardless of whether the parties have notice of any such lien.

Section 11. No stipulation, obligation or agreement herein contained or contained in the Financing Documents, the Bonds or in any other agreement or document executed on behalf of the City shall be deemed to be a stipulation, obligation or agreement of any member of the Common Council, or any officer, agent or employee of the City in his or her individual capacity, and no such member of the Common Council, officer, agent or employee shall be personally liable on the Bonds or be subject to personal liability or accountability by reason of the issuance thereof.

Section 12. 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 13. It is hereby determined that all formal actions of the Common Council relating to the adoption of this Ordinance were taken in one or more open meetings of the Common Council, that all deliberations of the Common Council and of its committees, if any, which resulted in formal action, were in meetings open to the public, and that all such meetings were convened, held and conducted in compliance with applicable legal requirements, including Indiana Code 5-14-1.5, as amended.

Section 14. The Mayor, the Clerk, the Controller and any other officer of the City are hereby authorized and directed, in the name and on behalf of the City, to execute, attest and deliver such further instruments and documents, and to take such further actions, in the name of the City as in their judgment shall be necessary or advisable in order fully to consummate the transactions described herein and carry out the purposes of this Ordinance, and any such documents heretofore executed and delivered and any such actions heretofore taken, be, and hereby are, ratified and approved.

Section 15. All acts of the officers of the City which are in conformity with the purpose and intent of this Ordinance and in the furtherance of the issuance of the Bonds and the execution, delivery and performance of the documents and agreements authorized hereby are in all respects ratified, approved and confirmed.

Section 16. Any ordinances, resolutions or orders or parts thereof in conflict with this Ordinance are to the extent of such conflict hereby repealed.

Section 17. This Ordinance shall be in full force and effect upon adoption and compliance with Indiana Code 36-4-6.

This Ordinance to be effective upon passage by the Council and approval by the Mayor.

INTRODUCED BY: _____
Tracie Tillman, President
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this ____ day of _____, 2025 by a vote of ____ to ____.

Tracie Tillman, President
Michigan City Common Council

(Approved)(Vetoed) by me, this _____ day of _____, 2025.

Angie Nelson Deutch, Mayor
City of Michigan City, Indiana

ATTEST:

Gale A. Neulieb, Clerk
City of Michigan City, Indiana

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

**ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY,
INDIANA ESTABLISHING AN ECONOMIC IMPROVEMENT DISTRICT AND
AUTHORIZING AND APPROVING OTHER ACTIONS WITH RESPECT THERETO**

WHEREAS, a petition (the “**Petition**”) for the establishment of an economic improvement district to be known as the “**SOLA Michigan City Economic Improvement District**” (the “**Economic Improvement District**” or “**EID District**”) in the City of Michigan City, Indiana (“**City**”) under Indiana Code 36-7-22 (the “**Act**”), a copy of which is attached hereto as Appendix A, has been filed with the Common Council of the City (this “**Common Council**”) to facilitate additional privately funded debt financing for a multi-story mixed use project including a hotel, a parking structure, residential and retail amenities (collectively, the “**Project**”) to be conducted by YAB Development Partners, LLC or its designee (“**Developer**”) in accordance with that certain Second Amended and Restated Development Agreement between Developer, the City and the Michigan City Redevelopment Commission (“**RDC**”) dated December 10, 2024, as amended (the “**Development Agreement**”);

WHEREAS, the Petition included the following information: (1) the boundaries of a proposed Economic Improvement District, including the boundaries of any zones to be established under Section 5(b) of the Act; (2) the name and address of each parcel and owner of land within the proposed Economic Improvement District and a description of the existing land use and zoning classification of each parcel; (3) a detailed description of the economic improvement projects to be carried out within the proposed Economic Improvement District to support the Project (“**Economic Improvement Projects**”), the estimated cost of the Economic Improvement Projects and the benefits to accrue to the property owners within the Economic Improvement District; (4) a plan for the application of assessment revenue to the cost of the Economic Improvement Projects within the Economic Improvement District; (5) a proposed formula for determining the percentage of the total benefit to be received by each parcel of real property within the Economic Improvement District, in the manner provided by Section 5 of the Act; (6) the number of years in which assessments will be levied; and (7) a proposed list of members for the board of the Economic Improvement District (“**Economic Improvement Board**”);

WHEREAS, the Clerk of the City has cause to be published notice (the “**Notice**”) of a hearing on August 5, 2025 (the “**Hearing**”), on the proposed Economic Improvement District and mailed a copy of the Notice to each owner of real property within the proposed Economic Improvement District;

WHEREAS, at the Hearing, this Common Council heard all owners of real property in the proposed Economic Improvement District (who appeared and requested to be heard) upon the questions of: (1) the sufficiency of the Notice; (2) whether the proposed Economic Improvement Projects are of public utility and benefit; (3) whether the formula to be used for the assessment of special benefits is appropriate; and (4) whether the Economic Improvement District contains all,

or more or less than all, of the property specially benefited by the proposed Economic Improvement Projects;

WHEREAS, at the Hearing, this Common Council received and considered evidence of the benefits from the Economic Improvement Projects accruing to the parcels of real property within the City, and within the Economic Improvement District, based on the following:

- (a) proximity of each parcel to the Economic Improvement Projects;
- (b) accessibility of each parcel to the Economic Improvement Projects;
- (c) true cash value of each parcel;
- (d) true cash value of any improvement on each parcel;
- (e) age of any improvement on each parcel; and
- (f) other similar factors, including without limitation the special benefits accruing to each real property owner receiving financing facilitated by the Economic Improvement Board, including an owner's use of their parcel for commercial purposes as a short-term rental or a hotel and an allocation for any backup assessments required to facilitate the financing of the Project;

WHEREAS, in conjunction with the passage of this Ordinance, the Common Council will consider adoption of (i) an ordinance ("**TIF Bond Ordinance**") authorizing the issuance of economic development revenue bonds (the "**TIF Bonds**") pursuant to Indiana Code 36-7-11.9 and 12, as amended (the "**Economic Development Act**"), the principal of and interest on which TIF Bonds shall be payable solely from certain tax increment financing revenues ("**TIF Revenues**") expected to be pledged for such purpose by the RDC through the adoption of a resolution ("**TIF Resolution**") pursuant to Indiana Code 36-7-14, as amended (the "**Redevelopment Act**") and (ii) an ordinance ("**EID Bond Ordinance**" and together with the TIF Bond Ordinance, the "**Bond Ordinances**") authorizing the issuance of economic development revenue bonds (the "**EID Bonds**" and together with the TIF Bonds, the "**Bonds**"), the principal of and interest on which EID Bonds shall be payable from Pledged Funds (as defined herein) with the proceeds of such Bonds being used to finance a portion of the Economic Improvement Projects which constitute capital improvements (the "**Bond-Financed Improvements**");

WHEREAS, as part of the approval process for the issuance of the Bonds, each of the RDC and the Michigan City Economic Development Commission ("**EDC**") will take certain actions to approve of the Bond Financed Improvements as may be required by the Redevelopment Act and the Economic Development Act (as defined herein), finding that the Project and the Bond Financed Improvements will:

- (a) create an environment conducive to new private investment and business expansion in the City and specifically within and adjacent to the EID District;
- (b) provide and promote significant opportunities for gainful employment of City and regional residents through business retention, expansion and attraction; and

(c) be of public utility and benefit through an improved and diversified economic base for the City; and

WHEREAS, in conjunction with the passage of the Bond Ordinances, the Common Council will confirm the findings of the RDC and EDC, and further find that the Bond Financed Improvements and the Project will be of benefit to the health, prosperity, economic stability and general welfare of the City and its citizens all as defined and contemplated in the Bond Ordinances;

WHEREAS, given the positive economic benefit the Project will provide to the City, it is reasonable to conclude that all of the Economic Improvement Projects made for the Project in the EID District shall be of "public utility and benefit" as contemplated under Section 6(b)(2) of the Act; and

WHEREAS, each of the EID Bonds and the TIF Bonds shall be special and limited obligations of the City, payable solely from the trust estates created and established under the trust indentures for each of the EID Bonds and the TIF Bonds;

WHEREAS, the EID Bonds and any other obligations of the EID District which may be entered into from time to time by the EID District ("EID Debt") shall not represent or constitute a debt of the City, the State of Indiana ("State") or any political subdivision or taxing authority thereof within the meaning of the provisions of the constitution or statutes of the State or a pledge of the faith and credit of the City or the State or any political subdivision or taxing authority thereof;

WHEREAS, neither the faith and credit nor the taxing power of the City, the State or any political subdivision or taxing authority thereof shall be pledged to the payment of the principal of, premium, if any, or the interest on the EID Debt; and

WHEREAS, the EID Debt shall not grant the owners or holders thereof any right to have the City, the State or its general assembly, or any political subdivision or taxing authority of the State, levy any taxes or appropriate any funds for the payment of the principal of, premium, if any, or interest on the EID Bonds.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, LAPORTE COUNTY, INDIANA AS FOLLOWS:

Section 1. This Common Council hereby determines that:

- (a) the Petition meets the requirements of Sections 4, 5 and 7 of the Act;
- (b) the Economic Improvement Projects to be undertaken in the Economic Improvement District will provide special benefits to property owners in the Economic Improvement District and will be of public utility and benefit;
- (c) the benefits provided by the Economic Improvement Projects will be new benefits that do not replace benefits existing before the establishment of the Economic Improvement District;

- (d) the formula to be used for the assessment of benefits is appropriate;
- (e) the Petition has been signed by (a) a majority of the owners of real property within the Economic Improvement District; and (b) the owners of real property constituting more than 60% of the assessed valuation in the Economic Improvement District ((i) excluding the signatures of any persons described in Section 7(c) of the Act, and (ii) excluding, in determining the total assessed valuation in the proposed economic improvement district, the assessed valuation of any property described in Section 7(d) of the Act;
- (f) the benefit of the Economic Improvement Projects vary from one area and one use to another within the Economic Improvement District from time to time and three zones must be established within the Economic Improvement District to delineate the approximate difference in beneficial impact; and
- (g) the development of certain amenities, such as a parking garage, hotel, supportive retail and residential units, along with other Economic Improvement Projects, within the Economic Improvement District must be encouraged.

Section 2. The Economic Improvement District shall be, and hereby is, established under the Act. The Economic Improvement District is hereby designated the “SOLA Michigan City Economic Improvement District”.

Section 3. The boundaries of the Economic Improvement District shall consist of approximately 2.80 acres of real property as depicted on the map attached hereto and incorporated by reference herein as **Exhibit A** (“**District Land**”). Upon the completion of the replat of the District Land, the final plat shall be further attached hereto as **Exhibit B**.

Section 4. The following three zones under Section 5(b) of the Act shall be, and hereby are, established:

- (a) a zone comprised of the real property interests to be identified and located on the Commercial Parcel (as defined and more specifically described in the final recorded Master Declaration of Covenants, Conditions, and Restrictions for SOLA (“**Final Condo Declaration**”), a substantially final form of which is attached to the Petition) as the Hotel Component (as defined in the Final Condo Declaration) (“**Hotel Property**”), the retail space (“**Retail Space**”) and the other areas of the Project (as defined herein) on the Commercial Parcel excepting the Garage Component (as defined Final Condo Declaration) (the “**Commercial Common Areas**” and together with the Hotel Property, and the Retail Space, “**Zone 1**”);
- (b) a zone comprised of the real property to be identified and located on the Condominium Parcel (as defined in the Final Condo Declaration) inclusive of any individual condos or townhomes (“**Condos**”) and any common areas excepting the Garage Component (“**Condominium Common Areas**” and together with the Condos, “**Zone 2**”); and
- (c) a zone comprised of the real property to be identified and more specifically described in the Final Condo Declaration as the Garage Component (the “**Parking**

Garage” and with any supporting or access areas referred to as **“Zone 3”**, and with Zone 1, and Zone 2, each a **“Zone”** and together the **“Zones”**).

Section 5. The boundaries or designations of each respective Zone set forth in the Final Condo Declaration shall be the boundaries of each respective Zone within the District. A copy of the Final Condo Declaration shall be attached hereto as **Exhibit C** upon its recording.

Section 6. The completion of the Economic Improvement Projects within the Economic Improvement District will include those required to complete the Project including but not limited to (a) the planning or managing of the development or improvement activities of the Zone 3 Improvements (as defined in the Petition) and other portions of the Project described in (b) through (h) below (collectively referred to as **“Planning and Managing Development and Improvement Activities”**), (b) designing, landscaping, beautifying, constructing, or maintaining of certain public areas, public improvements, or public ways (including designing, constructing, or maintaining lighting, infrastructure, utility facilities, improvements, and equipment, water facilities, improvements, and equipment, sewage facilities, improvements, and equipment, streets, or sidewalks for a public area or public way) related to the Project (collectively referred to as **“Public Improvements”**), (c) promoting commercial activity or public events for the Project, including but not limited to the financing, developing, constructing, staffing, marketing, renting-up, managing, operating, maintaining, repairing and sustaining all of the Zone 3 Improvements and the Hotel Property, Retail Space and the rental of Condos located in the EID District (collectively referred to as **“Commercial Activity”**), (d) supporting business recruitment and development for the Hotel Property, the Retail Space, the Parking Garage, and the renting of Condos within the EID District (**“Business Development”**), (e) providing security for public areas for the Project (**“Project Security”**), (f) acquiring, constructing, or maintaining the Parking Garage and potentially other parking facilities (collectively referred to as **“Parking Facilities”**), (g) constructing, rehabilitating, or repairing residential property, including the Developer Condos and improvements related to the habitability of the residential property (collectively referred to **“Residential Property”**), and (h) acquiring, constructing, rehabilitating, or repairing redevelopment projects, economic development facilities described in IC 36-7-11.9-3, pollution control facilities described in IC 36-7-11.9-9, or other local improvements (collectively, **“Other Local Public Improvements”**).

Section 7. The detailed descriptions and estimated cost of all the current anticipated Economic Improvement Projects to be carried out in the District are set forth in **Exhibit D** attached.

Section 8. It is anticipated that all real property owners in the District will have access to and benefit from the completion of the Economic Improvement Projects but that owners of the Condos and the Hotel Property which rent their units or rooms for short-term occupancy will be the primary beneficiaries of the shared Economic Improvement Projects beyond the common area charges allocated to the owners pursuant to the Final Condo Declaration and the associated home owner associations.

Section 9. Each owner in the Economic Improvement District will benefit from the Economic Improvement Projects financed by the EID Bonds based upon the Special Assessments (defined below). Zone 1 will be used primarily for commercial purposes and will benefit generally from the Economic Improvement Projects. Zone 2 will be used for primarily for residential

purposes and will benefit from the Economic Improvement Projects but to a lesser extent than Zone 1 which is predominately used for commercial purposes. Zone 3 also benefits from the Economic Improvement Projects but is allocated the least benefit, as Zone 3 will receive some public revenues for non-Project parking guests which will occasionally use the Economic Improvement Projects while the remainder would be paid by the owners who pay into the homeowners association that owns the Parking Garage under the Final Condo Declaration ("**Project HOA**") which are already accounted for in Zone 1 and Zone 2.

Section 10. The Economic Improvement District was a vacant property prior to the development of the Project and its Economic Improvement Projects.

Section 11. The benefits provided by completion of all the improvements made for the Project, including the Economic Improvement Projects, are all new benefits and will not replace benefits existing before the establishment of the Economic Improvement District and the completion of the Economic Improvement Projects.

Section 12. During the period or term for which any obligation or debt service related to the EID Bonds is outstanding in which any assessment is pledged from the economic improvement fund created under IC 36-7-22-16 ("**Economic Improvement Fund**") as approved by the Board (as defined below) for the Economic Improvement District to fund the completion of the Economic Improvement Projects ("**Pledged EID Assessments**"), the property owner(s) of the real property interests located in the Economic Improvement District, including all subsequent property owner(s) of such improvements, upon the completion of the statutory processes set forth in Indiana Code 36-7-22-12 and Indiana Code 36-7-22-13 for the maximum amounts of the schedule of the Pledged EID Assessments related to the EID Bonds (assuming no other revenues are available for debt service on the EID Bonds), waives its rights to request or file a remonstrance against any Pledged EID Assessments or otherwise contest the validity of an assessment schedule for any Pledged EID Assessments, whether available any time to a property owner as of or after the date of the Petition or which subsequently may be authorized under State law. Notwithstanding the foregoing, the Annual Backup Special Assessment Amount (defined below) shall not exceed the EID Backup Assessment Caps (as defined below), and the foregoing waiver shall not apply to any assessments that exceed the EID Backup Assessment Caps. The Board shall have a December 31st fiscal year-end ("**Fiscal Year**").

Section 13. The assessment revenues to be collected and deposited into the Economic Improvement Fund for the Board shall be done on a zone-by-zone basis ("**Special Assessments**"). The Board shall establish, have and maintain subaccounts within the Economic Improvement Fund in which the Special Assessment for each Zone shall be assessed, collected and deposited by the Board. The amount of the Special Assessments shall be an amount sufficient to collect the special assessments revenue necessary for each Fiscal Year to (a) cover the Annual Cost (as defined herein) of the Board and (b) make the necessary annual payments on all or a portion of the EID Debt.

Section 14. The EID Bonds shall be payable from the following sources ("**Pledged Funds**"):

- (a) Payments from the Developer on a borrower note (the “**Borrower Note**”) from certain Project revenues, which are anticipated to be offset by any of funds received under (b), (c) and (d) below;
- (b) TIF Revenues, the pledge of which shall be junior to the TIF Bonds;
- (c) Occupancy EID Assessments (defined below); and
- (d) Backup EID Assessment (as defined below).

Section 15. The Pledged EID Assessments shall consist of the Occupancy EID Assessments and the Backup EID Assessment.

Section 16. The Occupancy EID Assessments shall consist of an assessment levied against the Hotel Property and Condos equal to up to nine percent (9%) for room or unit base night rental cost (as determined by the Board from time to time in accordance with the EID Financing Agreement) and shall apply to the Hotel Property and to any Condos which have been rented more than fourteen (14) days per year (the “**Occupancy EID Assessments**” with the amount collected for a year for purposes of determining the Annual Backup Special Assessment Amount (as defined below) referred to herein as the “**Annual Occupancy EID Assessment Amount**”). The Hotel Owner (as defined in the Petition) and owners of the Condos shall provide the Developer the applicable year’s revenue information, which the Developer shall provide the Board no later than October 15 following each annual period commencing October 1 and ending September 30. Hotel Owner and the Developer shall collect such assessments from room or unit renters/guests on behalf of the Board and shall make the payments to the LaPorte County, Indiana Treasurer for the benefit of the Board or to the trustee of the EID Bonds on behalf of the Board, if permitted. The applicable property owner shall be liable for any shortfall and any deficiency in the Occupancy EID Assessments shall be levied against and attach against the applicable property (i.e. Hotel Property for delinquency in occupancy assessment payment related to the Hotel Property or the applicable Condo owner for a delinquency in its occupancy assessment payment).

Section 17. An annual Backup Special Assessment shall be made in accordance with Section 22 herein to the extent that Borrower Note payments, TIF Revenues and Occupancy EID Assessments are insufficient to cover the debt service obligation on the EID Bonds (the “**Backup EID Assessment**”).

Section 18. The EID Bonds are anticipated to be issued in one or more series in the aggregate principal amount of approximately \$43,490,000, provided however, such amount may be increased to up to \$80,000,000 to the extent the TIF Bonds are not issued or otherwise placed.

Section 19. No EID Bonds shall be issued after the Project is fully placed in service.

Section 20. The Annual Backup Special Assessment Amount shall not exceed the lesser of the assessments required to meet the debt service obligations (including any coverage ratios) to service the EID Bonds assuming no TIF Revenues, no Occupancy EID Assessment, and no payments made on the Borrower Note (“**EID Backup Assessment Cap**”).

Section 21. Any Pledged EID Assessments collected that are not used to make an annual or semi-annual debt service payment on the EID Bonds (whether collected for EID Bond coverage ratio purposes or assessed prior to receipt of other funds deposited in the Economic Improvement Fund) shall first be allocated to establishing or replenishing a reasonable debt service reserve for the EID Bonds and then to the redemption of the EID Bonds pursuant to the trust indentures associated with each series of the EID Bonds.

Section 22. The amount of the Backup EID Assessment revenue collected from each Zone shall be based solely upon the amount of the annual Special Assessments necessary, after considering the other collected Pledged Funds, for each Fiscal Year to (a) cover the Annual Cost of the Board operating the EID District up to \$60,000.00 (which may be increased by up to 2% per year, which is to be payable by owners of Zone 3 Improvements as set forth in Section 23 hereof, and which may not be paid from TIF Revenues) (the “**Annual Cost**”), (b) make the annual payment of all or a portion of the debt service and other related expenses on the EID Bonds, and (c) insure that the Board achieves the required debt service coverage ratio required by the EID Bonds (collectively referred as the “**Annual Backup Special Assessment Amount**” and together with the Annual Occupancy EID Assessment Amount, the “**Annual Special Assessment Amount**”).

Section 23. The Annual Cost of the Board operating the EID District shall be allocated to the owners of Zone 3 Improvements by the Board and assessed against the Zone 3 Improvements and the remainder of the Annual Backup Special Assessment Amount shall be allocated as follows:

- (a) 60% to the Hotel Owner (“**Zone 1 Backup Assessments**”), which Zone 1 Backup Assessments shall be assessed against the Zone 1 Improvements (as defined in the Petition) and payable by the Hotel Owner.
- (b) 30% to the owner(s) of the Zone 2 Improvements (as defined in the Petition) (“**Zone 2 Backup Assessments**”). The Zone 2 Backup Assessments shall be allocated among the owner(s) of the Zone 2 Improvements based upon the assessed value of their respective real property interest.
- (c) 10% to the owner(s) of the Zone 3 Improvements (i.e. the anticipated Project Condo Association) (“**Zone 3 Backup Assessments**”). The Zone 3 Backup Assessments shall be allocated among the owner(s) of the Zone 3 Improvements based upon the assessed value of their respective real property interest. (For example, the Parking Garage is owned by Project Condo Association and has an assessed value of \$30 million and other Zone 3 Improvements are owned by another non-exempt entity (“**Other Zone 3 Owner**”) with an assessed value of \$10 million, 7.5% of the Annual Backup Special Assessment Amount would be assessed against the Parking Garage and payable by the Project Condo Association and 2.5% of the Annual Backup Special Assessment Amount would be assessed against the other Zone 3 Improvements and payable by the Other Zone 3 Owner.)

A determination of assessed value by the Board based upon the available data by the LaPorte County, Indiana Assessor (the “**Assessor**”) or other professionals at such time shall be final for an applicable Fiscal Year and not subject to recalculation for an appeal or a subsequent adjustment by the Assessor. The Board shall update any revisions or determinations as to a real estate interest’s

assessed value when calculating an Annual Backup Special Assessment Amount for a subsequent Fiscal Year.

Section 24. In determining the aggregate Annual Backup Special Assessment Amount, the Board shall determine, in consultation with the trustee of the EID Bonds and the municipal advisor for the City, the amount of TIF Revenues received (or to be received) for the applicable Fiscal Year. The Annual Backup Special Assessment Amount shall be reduced by the TIF Revenues received and available for the EID Bonds (such TIF Revenues to be pledged to the EID Bonds on a junior basis to the pledge thereof to the TIF Bonds), the Annual Occupancy EID Assessment Amount, and any other Project revenues paid by the Developer, effectively reducing the aggregate Zone 1 Backup Assessments, Zone 2 Backup Assessments and Zone 3 Backup Assessment on a prorated basis consistent with the calculation percentages set forth above.

Section 25. The Board may establish a reasonable debt service reserve by Zone to ensure that each Zone's contributions are realized for such Zone's applicable portion of the Annual Special Assessment Amount and available to timely and fully pay the debt service due on the Bonds. If the owners of a respective Zone fail to pay the Zone's respective portion of the Annual Special Assessment Amount, the Board may increase the Zone's respective Annual Special Assessment Amount, as needed, to cover any prior shortfalls and/or to enhance or replenish the Zone's debt service reserve.

Section 26. Prior to the issuance of the EID Bonds, the Board shall provide notice, conduct a public hearing and set an estimated maximum annual backup special assessment schedule for each projected property owner or real property interest in accordance with IC 36-7-22-12 based upon the Developer's estimated projected assessed value projection for the various property interest to be outlined in the Final Condo Declaration ("**Preliminary EID Backup Assessment Cap Schedule**"). The Board shall certify to the Auditor the Preliminary EID Backup Assessment Cap Schedule.

Section 27. Notwithstanding any provision of this Ordinance to the contrary, the assessment methodology set forth in this Ordinance may be adjusted with the approval of the Board and the Developer provided that any adjustments to the assessments or the assessment methodology set forth in this Ordinance that results in aggregate special assessments in excess of the Preliminary EID Backup Assessment Cap Schedule shall required an amendment to this Ordinance in accordance with IC 36-7-22-12 and follow the assessment process set forth in IC 36-7-22-12.

Section 28. The EID Bonds, and the interest payable thereon, shall not represent or constitute a debt of the City, the Redevelopment District, the State or any political subdivision or taxing authority thereof within the meaning of the provisions of the constitution or statutes of the State or a pledge of the faith and credit of the City or the State or any political subdivision or taxing authority thereof.

Section 29. Neither the faith and credit nor the taxing power of the City, the Redevelopment District, the State or any political subdivision or taxing authority thereof shall be pledged to the payment of the principal of, premium, if any, or the interest on the EID Bonds.

Section 30. The EID Bonds shall not grant the owners or holders thereof any right to have the City, the Redevelopment District, the State or its general assembly or any political subdivision or taxing authority of the State, levy any taxes or appropriate any funds for the payment of the principal of, premium, if any, or interest on the EID Bonds.

Section 31. The proceeds from the EID Bonds shall only be used to reimburse or to fund costs incurred by the Developer related the Economic Improvement Projects in accordance with the EID Financing Agreement.

Section 32. After completion of the Project, the full initial assessment of the property interests and the final issuance of the EID Bonds, the Board shall review the Preliminary EID Backup Assessment Cap Schedule and issue a final EID Backup Assessment Cap schedule (“**Final EID Backup Assessment Cap Schedule**”). To the extent that the Final EID Backup Assessment Cap Schedule includes an Annual Backup Special Assessment Amount that exceed a particular real property interest’s maximum Annual Backup Special Assessment Amount set forth in the Preliminary EID Backup Assessment Cap Schedule, the Board shall provide notice to such owners, conduct a hearing and set a revised maximum EID Backup Assessment Cap for such real property interest. The Board shall then approve a Final EID Backup Assessment Cap Schedule (including, if applicable, reducing a real property interest’s maximum EID Backup Assessment Cap) provided that the Final EID Backup Assessment Cap Schedule achieves the aggregate debt service and debt service coverage ratios contemplated with the issuance of the Bonds. The Final EID Backup Assessment Cap Schedule shall be recorded with the LaPorte County, Indiana Recorder (the “**Recorder**”) and the Assessor.

Section 33. The Board may exempt a business established within the EID District after the creation of the EID District from assessment of any type of Special Assessment for a period not to exceed one (1) year as contemplated under IC 36-7-22-10.

Section 34. The plan for the application of assessment revenue and formula to be used for the assessment of special benefits shall be based upon the methods set forth in the Petition.

Section 35. The Board shall set and certify the final Special Assessment schedule for an applicable Fiscal Year (“**Annual Special Assessment Schedule**”) and shall record the Annual Special Assessment Schedule with the Auditor by January 15 of such Fiscal Year. No Annual Backup Special Assessment Amount levied on a particular real estate property interest shall exceed the respective collective maximum Annual Backup Special Assessment Amount set forth in the Final EID Backup Assessment Cap Schedule (or until such Final EID Backup Assessment Cap Schedule is approved, the Preliminary EID Backup Assessment Cap Schedule).

Section 36. The signing of the Annual Special Assessment Schedule for each calendar year by a majority of the members of the Board and the delivery of the Annual Special Assessment Schedule to the Auditor shall constitute a final and conclusive determination of the benefits that are assessed.

Section 37. The Board shall include with each Annual Special Assessment Schedule certified by the Board to the Auditor (“**Assessment Supplement Statement**”) an allocation of the Special Assessments into the following categories (as applicable):

- (1) Interest on the EID Bonds;
- (2) Principal of the EID Bonds;
- (3) Other EID Bond expenses;
- (4) Economic Improvement Projects maintenance and repair charges; and
- (5) Other EID District expenses.

Section 38. The Auditor shall cause the information set forth in the Assessment Supplement Statement to be reflected on the tax statements of the persons owning the property affected by the Special Assessment as prepared by the Treasurer of LaPorte County, Indiana.

Section 39. Each Special Assessment is a lien on the real property that is assessed, second only to the ad valorem property taxes levied on the property located in the EID District as set forth and contemplated in IC 36-7-22-12(g) (“**Statutory Lien**”) and shall be in compliance with IC 36-7-22-12 and any other applicable provisions under the Act. If unpaid, each Special Assessment shall otherwise accrue all penalties, interest, etc., applicable to unpaid property taxes under Indiana law.

Section 40. Any real property subject to a Statutory Lien shall be subject to sale in accordance with IC 6-1.1-24 and 6-1.1-25.

Section 41. The Board acknowledges and agrees that for payment of each Special Assessment the Board shall look solely to the Statutory Lien to secure and collect the payment of each Special Assessment, except as otherwise agreed and consented to by the owner of the real property to which the Special Assessment is levied.

Section 42. In addition to the Statutory Lien, the Board shall have and retain the right to also enforce, pursue, collect and secure the payment of each Special Assessment by agreement or instrument with a security interest in and on any other property located in the EID District as determined by the Board, including by mortgage, security agreement, UCC filings and any other form of secured transaction, upon the written consent and agreement of the owner of such property (“**Other Collateral**”).

Section 43. The Board shall have and retain the right to pledge and assign the Special Assessment and any Other Collateral to secure the EID Bonds as determined from time to time by the Board.

Section 44. There shall be no other assessments of any type within the EID District.

Section 45. The Special Assessments with respect to EID Bonds are to remain in place for a period of up to thirty-five (35) years from the date when such EID Bonds are issued to finance a portion of the Project.

Section 46. It is anticipated that the EID Bonds shall be issued by the City pursuant to Economic Development Act.

Section 47. Any property owned by the RDC and used for an exempt purpose that is located in the EID District is and shall continue to be exempt from property taxation under IC 6-1.1-10.

Section 48. For the Economic Improvement District, an economic improvement board under the Act shall be, and is hereby, established (such economic improvement board, the “**Board**”), which Board is hereby designated the “**Sola Michigan City Economic Improvement Board**”. The Board shall have three members appointed by the City. One member shall be appointed by the City (“**City Representative**”). The other two members represent owners of real property within the Economic Improvement District, which initially will be Petitioner 1 (as defined in the Petition) and Petitioner 2 (as defined in the Petition) representatives. Once Petitioner 1 and Petitioner 2 transfer their interest in the District Land to the Project, including portions to the Project Developer and the Project HOA, one representative will be a manager or owner of Developer or its designee that owns real property within the Economic Improvement District (“**Developer Representative**”) and one will be a manager of the Project HOA (“**HOA Representative**”).

Section 49. This Common Council hereby appoints the following persons as the initial members of the Board:

Skylar York, as the City Representative

Clarence Hulse, as Petitioner 1 representative

Seth Spence, as Petitioner 2 representative

Effective upon the Initial District Land Transfer, the following persons shall become the members of the Board:

Skylar York, as the City Representative

Scott Goodman, the Developer Representative

Alan Schachtman, the Project HOA

This Common Council may at any time or from time to time appoint and remove without cause any person as a member of the Board. Each person appointed as a member of the Board shall serve for a term (a) commencing on the later of (i) such person’s appointment, or (ii) such person’s qualification; and (b) ending on the earliest of (i) such person’s removal, (ii) such person’s disqualification, or (iii) such person’s resignation. The appointment of each new member of the Board as a Developer Representative or a Project HOA Representative shall be subject to the prior written approval of the Developer and the Project HOA Representative, respectively.

Section 50. It is intended that the Board shall be treated as an organization contemplated in Section 115(2) of the Internal Revenue Code.

Section 51. Any EID Bonds for the District shall be issued as provided in and in accordance with IC 36-7-22 or IC 36-7-12 as determined from time to time by the Board and the Common Council (“**EID Bond Financing**”).

Section 52. The Board shall have and retain the right to pledge and assign the Special Assessment and any Other Collateral to secure the EID Bonds as determined from time to time by the Board.

Section 53. With each series of EID Bonds issued, the Board shall enter into a financing agreement with the City and Developer (for each EID Bond Financing, an “**EID Financing Agreement**”). A memorandum of the EID Financing Agreement disclosing the EID Waiver Provision (defined below) along with any other provisions required by the City shall be recorded in the offices of the Recorder and the Auditor of the County as part of the closing of series of EID Bonds.

Section 54. Each EID Financing Agreement shall have a waiver provision substantially similar to the provision below included therein (collectively referred to as the “**EID Waiver Provision**”):

“The City, the Developer, and all property owners, including all subsequent property owner(s) of any portion of the land located in the Economic Improvement District, hereby waive its rights (if any) to file an action to contest (a) the existence of the Economic Improvement District or the improvements in the Economic Improvement District under the Act, (b) the validity of the Economic Improvement District ordinance adopted to establish the Economic Improvement District and Zones 1, 2, and 3 under IC 36-7-22-7, or (c) the assessment schedule, including any assessments up to the Final EID Backup Assessment Cap Schedule as contemplated by the Ordinance, as contemplated under IC 36-7-22-13 whether available any time to such property owner as of or after the date of this Agreement or which subsequently may be authorized under the laws of the State of Indiana. Any subsequent property owners of land located in the Economic Improvement District shall be required to acknowledge the existence of the Economic Improvement District and declare and make the same waivers as set forth above concurrent with purchase of such land.”

Section 55. The Mayor of the City, the Clerk of the City and the Controller of the City and each other officer of the City shall be, and hereby is, authorized and directed, for and on behalf of the City to execute and deliver any instrument and take any other action determined by such officer to be necessary or convenient to carry out the purposes of this Ordinance, which determination shall be conclusively evidenced by such officer’s execution and delivery of such instrument or taking of such other action.

Section 56. Should any provision (section, paragraph, sentence, clause or any other portion) of this Ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if such remaining provisions can, without the invalid provision, be given the effect intended by this Common Council in adopting this Ordinance. To this end, the provisions of this Ordinance are severable.

Section 57. When implementing this Ordinance, this Ordinance and the Act shall be liberally construed by the parties to affect the purposes of this Ordinance and the Act to the extent allowed under Indiana law.

Section 58. This Ordinance shall be in full force and effect upon adoption and compliance with Indiana Code 36-2-4-8.

Section 59. This Ordinance may be amended in accordance with the Act. Any amendment to this Ordinance shall be subject to prior written approval of the Developer.

Section 60. The foregoing recitals are fully incorporated herein by this reference.

* * * * *

This Ordinance to be effective upon passage by the Council and approval by the Mayor.

INTRODUCED BY:

Tracie Tillman, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana this ____ day of _____, 2025 by a vote of _____ to _____.

Tracie Tillman, President
Michigan City Common Council

(Approved)(Vetoed) by me on the _____ day of _____, 2025.

Angie Nelson Deutch, Mayor
City of Michigan City, Indiana

ATTEST:

Gale A. Neulieb, City Clerk of the
City of Michigan City, Indiana

EXHIBIT A

DISTRICT LAND DEPICTION

EXHIBIT B

FINAL DISTRICT PLAT

(To be attached post adoption upon its completion and recording)

EXHIBIT C

FINAL CONDO DECLARATION

(To be attached post adoption upon its completion and recording)

EXHIBIT D

ECONOMIC IMPROVEMENT PROJECTS DETAILED DESCRIPTIONS AND COST ESTIMATES¹

1. Planning and Managing Development and Improvement Activities – Architectural, engineering and project management for public improvements (\$5,000,000)
2. Public Improvements -- Public amenity deck, relocation of 2nd street and Washington interchange (\$10,000,000)
3. Commercial Activity -- Retail and food and beverage space/locations open to the public (\$22,000,000)
4. Business Development – Initial business recruitment and development activities (exact scope and amounts to be approved as part of an annual operating budget)
5. Project Security -- Internal and external security systems including exterior lighting (\$1,000,000)
6. Parking Facilities – Construction of parking and loading facilities (\$30,000,000)
7. Residential Property -- Development assistance for condominiums/townhomes (\$11,000,000)
8. Other Local Public Improvements -- Landscaping, sidewalks, curb and gutter, access panels for utilities (\$1,000,000)

¹ These descriptions and cost estimates are only estimated uses of funds from the EID District. The exact uses of any capital projects funded by the Bonds shall be those costs eligible under the Bond documents with all other costs subject to approval by the Board of the EID District.

APPENDIX I

ECONOMIC IMPROVEMENT DISTRICT PETITION

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

**AMENDING SEC. 2-403(a) AND (b) IN THE MICHIGAN CITY MUNICIPAL CODE
REGARDING THE RESIDENT WORKER TRAINING DEVELOPMENT FUND**

WHEREAS, Sec. 2-403 of the Michigan City Municipal Code established the Resident Worker Training Development Fund, which currently reads as follows:

“Sec. 2-403. Restricted, non-reverting, resident worker training development fund.

- (a) The controller is hereby directed to create the restricted, non-reverting resident worker training program fund to be used exclusively to establish or help establish worker training related programs for the Michigan City residents. All fine money paid by contractors for failing to comply with the provisions of the Municipal Code regarding the local hiring program shall be deposited into this fund. The money in this fund shall only be expended for worker-training related programs for residents of Michigan City.*
- (b) Expenditures from the fund shall only be made upon appropriation by the common council. All monies to be disbursed from the fund in any year shall either be set forth in the budget of the human rights department for that year or shall be the subject of an additional appropriation ordinance.*
- (c) Any unexpended monies remaining in the fund at the end of the year shall not revert to the general fund of the city, but shall remain in the fund and become available for expenditure, under the terms and conditions set forth in this section, during the following year.”; and*

WHEREAS, the City Controller’s Office has advised that certain individuals/entities wish to provide the City with monetary donations to assist the City with workforce training development programs and initiatives; and

WHEREAS, the need exists to amend the Resident Worker Training Development Fund to allow said Fund to be able to receive donations; and

WHEREAS, the Common Council believes that it is in the best interest of the City and resident herein to now amend said Fund to allow said Fund to be able to receive donations.

THEREFORE, BE IT ORDAINED by the Common Council for the City of Michigan City, Indiana that Sec. 2-403(a) and (b) shall now be amended to read as follows:

- (a) The Controller is hereby directed to create the restricted, non-reverting resident worker training program fund to be used exclusively to establish or help establish worker training related programs for the Michigan City residents. All fine money paid by contractors for failing to comply with the provisions of the Municipal Code regarding the local hiring program shall be deposited into this Fund. In addition, this Fund may receipt monetary donations from individuals or entities specifically designated for resident worker training programs and initiatives. The money in this Fund shall only be expended for worker-training related programs for residents of Michigan City.
- (b) Expenditures from the fund shall only be made upon appropriation by the common council. All monies to be disbursed from the fund in any year shall either be set forth in the annual City budget or shall be the subject of an additional appropriation ordinance.

This Ordinance shall be in full force and effect after passage by the Michigan City Common Council and approval by the Mayor.

INTRODUCED BY: _____

Nancy Moldenauer, Member
Michigan City Common Council

Tim Bietry, Member
Michigan City Common Council

Dr. Vidya Kora, Member
Michigan City Common Council

Daisy Lee, Member
Michigan City Common Council

Don Przybylinski, Member
Michigan City Common Council

Bryant Dabney, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana this _____
day of _____, 2025.

Tracie Tillman, President
Michigan City Common Council

Approved/Vetoed (*circle action taken*) by me, this _____ day of _____,
2025.

Angie Nelson Deutch, Mayor
Michigan City, Indiana

ATTEST:

Gale A. Neulieb, Clerk
City of Michigan City, Indiana

Prepared by Corporation Counsel Upon Request

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

**APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE
GOLF NON-REVERTING FUND #2508 TO REPLACE THE SATELLITE
IRRIGATION SYSTEM AT THE MICHIGAN CITY MUNICIPAL GOLF COURSES**

WHEREAS, it has been demonstrated to the Common Council of the City of Michigan City that it is necessary to appropriate more money than was appropriated in the 2025 Annual Budget for the Golf Non-Reverting Fund #2508 for the Parks Department to replace the satellite irrigation system at the Michigan City Municipal Golf Courses; and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the Golf Non-Reverting Fund #2508 for the Parks Department to be appropriated for that purpose.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, La Porte County, Indiana, that for the expenses of the City the following additional sums of money are hereby appropriated out of the fund named and for the purpose specified above, subject to the laws governing the same:

	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
DECREASE Golf Non-Reverting Fund #2508 Unappropriated balance	\$181,000.00	
INCREASE ACCOUNT #2508.000.439.090 Contractual Services		\$181,000.00
TOTAL FOR FUND	\$181,000.00	

This Ordinance to be effective upon passage by the Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

INTRODUCED BY: _____
Bryant Dabney, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____
day of _____, 2025 by a vote of _____ to _____.

Tracie Tillman, President
Michigan City Common Council

Approved/Vetoed (circle choice) by me, this _____ day of _____
_____, 2025.

Angie Nelson Deutch, Mayor
City of Michigan City, Indiana

ATTEST:

Gale A. Neulieb, Clerk
City of Michigan City, Indiana

Prepared by Corporation Counsel Upon Request

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

**REPEALING, AMENDING, AND CREATING VARIOUS ARTICLES AND SECTIONS
IN THE MICHIGAN CITY MUNICIPAL CODE REGARDING STORMWATER AND
DRAINAGE**

WHEREAS, the Indiana Department of Environmental Management (IDEM) requires Indiana MS4 entities, such as counties, cities, and towns to update their existing local ordinances regarding stormwater and drainage; and

WHEREAS, the Michigan City Board of Sanitary Commissioners has studied the existing conditions, as well as the current state recommendations and has proposed a new stormwater and drainage ordinance, a copy of which is attached hereto and incorporated herein as **Exhibit A**, which was initially approved by the Michigan City Board of Sanitary Commissioners on January 22, 2025 and also on June 25, 2025; and

WHEREAS, also, while in the process of reviewing the Michigan City Municipal Code ("Code") to draft the new stormwater and drainage ordinance, it was discovered that provisions for stormwater and drainage are randomly scattered through various chapters of the Code, including sections and articles within the City's Joint Zoning Ordinance and Subdivision Ordinance; and

WHEREAS, the need exists to recodify the City's stormwater and drainage ordinance in one (1) central location in the Code, more specifically in Chapter 46 under Article IX to be known as *Stormwater Management Regulations* and repeal all other articles and sections in the Code regarding stormwater and drainage, including repealing certain articles and sections in the City's Joint Zoning Ordinance and Subdivision Ordinance; and

WHEREAS, the Plan Commission of the City of Michigan City, Indiana (the "Plan Commission") has the responsibility, in accordance with Appendix B-*Subdivision Control* ("the Subdivision Code") and Appendix C-*Joint Zoning Ordinance* of the City of Michigan City Municipal Code ("the Zoning Code") and in accordance with Indiana Code 36-7-4-605, to act as an advisory board to the Common Council of the City of Michigan City concerning the Zoning Code and Subdivision Code of the City of Michigan City, Indiana; and

WHEREAS, the Plan Commission may, pursuant to Indiana Code 36-7-4-602(b), initiate a proposal to amend or partially repeal the text of the Zoning Code and Subdivision Code; and,

WHEREAS, the Plan Commission has reviewed and studied the recommendations provided by its own Planning Department staff and staff of the Michigan City Sanitary District; and

WHEREAS, as presented to the Plan Commission at its May 27, 2025 public meeting, and as approved by the Plan Commission at its June 24, 2025 public meeting, the following Article and Sections should be repealed:

Section 06.07 *Stormwater Management* and Section 06.08 *Soil Erosion* in the Michigan City Subdivision Ordinance, which is codified in the Michigan City Municipal Code as Appendix B *Subdivision Control*;

Article 20 *Stormwater Management* in the Michigan City Joint Zoning Ordinance, which is codified in the Michigan City Code as Appendix C *Joint Zoning Ordinance*; and

WHEREAS, also presented to the Plan Commission at its May 27, 2025 public meeting, and as approved by said Commission at its June 24, 2025 meeting, the Plan Commission made findings of fact approving **Exhibit A** and also the additional amendments to accurately reflect cross-references to the Appendix B *Subdivision Control and Condominium Division Standards* and Appendix C *Joint Zoning Ordinance* as contained in **Exhibit B** attached hereto and made a part hereof; and

WHEREAS, upon notice having been duly published and a public hearing held, the Plan Commission: made findings of fact approving a copy of which is in the offices of the Plan Commission and the Michigan City Clerk; approved and adopted Plan Commission Resolution No. 2-2025 with a favorable recommendation to the Common Council of the City of Michigan City, Indiana (the "Common Council") and recommended that the Common Council approve and adopt said amendments; and

WHEREAS, pursuant to Indiana Code 36-7-4-607, the Common Council has the authority and duty to consider, adopt, reject or amend changes to the Zoning Code and the Subdivision Code; and, as evidenced by Resolution 2-2025 of the Plan Commission filed with the Common Council together with the Exhibit to said Resolution, which is the entire text of the proposed amendment and which is incorporated into this Ordinance and made a part hereof; and

WHEREAS, upon notice having been duly published, the Common Council considered the repeal of the various sections and article of the Joint Code and Subdivision Code at the regular monthly meeting of the Common Council; and

WHEREAS, the Michigan City Common Council has reviewed the Certified Resolution 2-2025 of the Plan Commission of the City of Michigan City, Indiana, the Findings of Fact contained therein, and related information and has received and considered comments from the public regarding the proposed amendments and the changes and provisions contained in **Exhibit A** and **Exhibit B**; and

WHEREAS, the Common Council has determined that amending the City Code, Zoning Code, and the Subdivision Code to adopt and incorporate the amendments would be in the best interests of the entire City; and

WHEREAS, in addition, the Common Council reasonably believes it is in the best interest of the City to adopt the recommendations of the Michigan City Board of Sanitary Commissioners and the Michigan City Plan Commission and adopt a new stormwater and drainage ordinance and recodify the same into Chapter 46, Article IX to be known as *Stormwater Management Regulations*.

THEREFORE, BE IT ORDAINED by the Common Council for the City of Michigan City, Indiana as follows:

1. The following Articles and Sections in the Michigan City Municipal Code are hereby repealed:
 - a. Article XII in Chapter 22 entitled *MS4 Post-Construction Activity Stormwater Management Plan Program*;
 - b. Article XIII in Chapter 22 entitled *MS4 Construction Activity Erosion and Sediment Control Program*;
 - c. Sec. 50-143 entitled *Penalty for Violation of Article XII (Post-Construction Activity Stormwater Management Plan Program)* in Chapter 50; and
 - d. Sec. 50-144 entitled *Penalty for Violation of Article XIII (Construction Activity Erosion and Sediment Control Program)* in Chapter 50.
2. **Exhibit B**, which is attached hereto and incorporated herein, is hereby adopted, which reflects all the amendments to cross reference numbers in Appendix B *Subdivision Control and Condominium Division Standards* and Appendix C *Joint Zoning Ordinance*.
3. Article V entitled *MS4 Illicit Discharges and Connections Program* in Chapter 46 of the Michigan City Municipal Code is hereby repealed.
4. Article IX entitled *Stormwater Management Regulations* is hereby created in Chapter 46 and shall read as set forth in **Exhibit A**, which is attached hereto and incorporated herein.
5. Sec. 50-262 in Chapter 50 of the Michigan City Municipal Code is hereby amended to now read as follows:

Sec. 50-262. Fines for Violation of Stormwater Management Regulations

The fine required by Section 46-336(c) shall be not more than \$2,500.00 for each offense, plus costs, damages, and expenses.

This Ordinance shall be in full force and effect after passage by the Michigan City Common Council and approval by the Mayor and any necessary publication.

INTRODUCED BY: _____
Don Przybylinski, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana this _____ day of _____, 2025.

Tracie Tillman, President
Michigan City Common Council

Approved/Vetoed (*circle action taken*) by me, this _____ day of _____, 2025.

Angie Nelson Deutch, Mayor
Michigan City, Indiana

ATTEST:

Gale A. Neulieb, Clerk
City of Michigan City, Indiana

Prepared by Corporation Counsel Upon Request