

SPECIAL JOINT MEETING - JUNE 4, 2002

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in SPECIAL JOINT SESSION with the Housing Authority Board on Friday morning, June 14, 2002, at the hour of 10:50 a.m., in the Council Chambers, in the City Hall Building, located at 100 East Michigan Boulevard, Michigan City, Indiana.

The meeting was called to order by Anthony Metzcus, who presided.

Noted Present: Representing the Board of Public Works and Safety

Mayor Sheila Brillson
City Controller Charles Oberlie
Tony Metzcus
City Attorney John Espar
City Planner John Pugh

Representing the Housing Authority Board

Lew Jagger
Albertin Allen
Al Walus
Evonne Stephens-Norvell, Director
Attorney Alan J. Sirinek

Also present:

Patricia Larsen, Deputy Clerk
Ron Miller, Radio Station WEFM

A QUORUM WAS NOTED PRESENT.

Mr. Metzcus stated that the purpose of this meeting is to adopt resolutions to transfer real estate (Harborside) from the Housing Authority to the City of Michigan City.

The meeting was then turned over to Mr. Espar, who explained that we have a Memorandum of Understanding to consummate the exchange of property and the monetary sum, which has been approved by both the Special Applications Commission of HUD and the local office of HUD. The memorandum of understanding reads as follows:

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE MICHIGAN CITY HOUSING AUTHORITY
AND THE CITY OF MICHIGAN CITY, INDIANA**

THIS MEMORANDUM OF UNDERSTANDING ("MOU"), dated as of the 14th day of June, 2002, is made and entered into between MICHIGAN CITY HOUSING AUTHORITY BOARD OF COMMISSIONERS, the governing body of the Michigan City Housing Authority (the "Authority") and THE CITY OF MICHIGAN CITY, INDIANA, BY AND THROUGH ITS BOARD OF PUBLIC WORKS (the "City") (the Authority and City being sometimes referred to herein individually as a "Party" and collectively as the "Parties");

RECITALS

WHEREAS, Harborside Homes, an Authority-owned public housing development (the "Property"), is located on approximately 4.1 acres (the exact acreage to be determined by a survey) on the northeast side of the City; and

WHEREAS, the Property is located in an area of the City designated as the North End Redevelopment Area (the "Area") and the City has developed a plan for the redevelopment of the Area (the "Plan"), which Plan proposes, among other things, a river trail system, urban green space, and housing; and

WHEREAS, the Authority has obtained the approval of the Department of Housing and Urban Development ("HUD") to transfer the Property to the City; and

WHEREAS, the Authority desires to transfer the Property to the City and the City desires to acquire the Property from the Authority, on the terms and conditions as set forth herein;

NOW, THEREFORE, the Parties hereby agree and represent as follows:

I. City Agreements.

A. The City will acquire the Property from the Authority. The deed shall contain a restriction that the conveyance is for the purpose of the development of a recreational park (the "Project") and the Property shall revert to the Authority if this purpose is not met.

B. The City shall pay, as the purchase price for the Property, the sum of \$550,000 (the "Purchase Price"). The Purchase Price shall be paid to the Authority's affiliated not-for-profit entity to be used for construction of affordable housing and/or additional units of public housing.

C. The City will demolish 55 existing units on the Property at its expense.

D. The City will develop an urban park and extend a recreational trail through the Property and will create a core pedestrian precinct as part of the infrastructure, allowing residents of the adjacent Boulevard Gardens to access a safe, and aesthetically pleasing walkway to the water front recreation area created in the Area.

E. In all requests for bids and proposals for demolition, site preparation and construction, subject to public bidding requirements established by Indiana law, the City shall give preferential consideration to contractors committed to the hiring of qualified Authority residents in connection with the Project, and will include language to this effect in bid documents for any such work.

F. To the extent the Project will result in increased hiring by the City, it will give due consideration to hiring qualified Authority residents for these positions.

G. To the extent an amenity constructed as part of the Project will require the payment of user fees, the City shall establish a policy whereby PHA residents may use the amenity at no cost, or at a discounted rate, as appropriate.

H. The City shall pay all legal, appraisal and other expenses associated with the transaction.

II. **Authority Agreements:**

A. Authority agrees to convey the Property to the City.

B. Authority shall reasonably cooperate with City in fulfilling its commitments under this Agreement.

III. **General.**

A. The City and the Authority represent and warrant that they will take all necessary action as may be required or necessary to provide for the timely conveyance of the Property and the matters contemplated hereby.

B. This MOU shall be construed in accordance with the laws of the State of Indiana.

C. This MOU may be executed in more than one counterpart which, when executed, shall together constitute one agreement. Counterparts delivered by facsimile transmission shall be deemed originals; provided however, any party delivering a counterpart of this Agreement by facsimile transmission shall use reasonable efforts to deliver the original executed copy of such counterpart by non-facsimile delivery within a reasonable time thereafter.

IN WITNESS WHEREOF, the Parties have duly executed this Memorandum of Understanding as of the date first above written.

THE CITY OF MICHIGAN CITY
BOARD OF PUBLIC WORKS AND SAFETY

THE MICHIGAN CITY HOUSING
AUTHORITY BOARD OF COMMISSIONERS

By: /s/ Anthony Metzcus, President

By: /s/ Albertine Allen, Member

/s/ Sheila Brillson, Mayor, Member

/s/ Lewis Jagger, Member

/s/ Charles E. Oberlie, Member

Carla Mock, Member (not present)

Ronald Strauss, Member (not present)

ATTEST: /s/ Thomas F. Fedder, City Clerk

/s/ Alan Walus, Member

EXHIBIT A

Summary Legal Description

The subject property is briefly described as lots one through eight and lots fifteen and sixteen in block 9 and Lots four through nine and part of lots three and ten Block 8 plus vacated contiguous alleys plus part of vacated Canal Street all in Duncans Subdivision to the City of Michigan City.

Site Description

The subject property is a level to slightly sloping parcel of land that is improved with six multiple family residential units and an ancillary unit. The property is basically L-shaped and contains approximately 179,541 square feet or 4.122 acres of land inclusive of vacated alleyways. The estimated amount of frontage on Michigan Boulevard is 639 feet. The north 324 feet has an overall effective depth of approximately 345 feet plus extended depth on the vacated Canal Street. The south 315 feet has an effective depth of around 180 feet.

Mr. Espar said this is the second to the final step in the process. The Resolution is a requirement of Indiana law between two governmental bodies to authorize the exchange of property.

Mr. Oberlie moved to adopt the Resolution. The motion, seconded by Mayor Brillson, carried by the following vote: **AYES: MEMBERS Brillson, Metzcus, and Oberlie (3). NAYS: None (0).**

RESOLUTION NO. 2764

**RESOLUTION OF THE BOARD OF PUBLIC WORKS
AND SAFETY OF THE CITY OF MICHIGAN CITY, INDIANA,
ACCEPTING THE TRANSFER OF REAL PROPERTY
FROM THE MICHIGAN CITY HOUSING AUTHORITY**

WHEREAS, the care, custody and control of real estate in the City of Michigan City (the "City") is vested in the Board of Public Works and Safety (the "Board") pursuant to LC. 36-9-6-3; and

WHEREAS, the Michigan City Housing Authority Board of Commissioners (the "Housing Authority") is the owner of the certain real property and improvements situated in the City, described at Exhibit A, hereto, and commonly known as Harborside Homes (the "Real Estate"); and

WHEREAS, the City desires to acquire the Real Estate from the Housing Authority in order to facilitate its use in connection with a park and recreational trail to be constructed in the City (the "Project"); and

WHEREAS, pursuant to LC. 36-1-11-8, the Housing Authority may exchange or transfer property with another governmental entity upon terms and conditions agreed upon by the two (2) entities as evidenced by the adoption of substantially identical resolutions of each entity; and

WHEREAS, the Housing Authority, at its meeting of June 14 2002, will consider a Resolution Authorizing the Exchange of Property to the City;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF MICHIGAN CITY, INDIANA, AS FOLLOWS:

1. That the transfer of the Real Estate for the sum of Ten Dollars (\$10.00) and other good and sufficient consideration, to the City shall be, and hereby is, accepted.

2. That the Clerk is hereby authorized to record, or cause to be recorded, a deed conveying all of the right, title and interest of the Housing Authority in and to the Real Estate to the City.

3. That this Resolution shall be in full force and effect upon its adoption by the Board of Public Works and Safety of the City of Michigan City.

ADOPTED at a meeting of the Board of Public Works and Safety held on June 14, 2002.

THE CITY OF MICHIGAN CITY
BOARD PUBLIC WORKS AND SAFETY

By: /s/ Anthony Metzcus, President
/s/ Sheila Brillson, Mayor, Member
/s/ Charles E. Oberlie, Member

ATTEST: /s/ Thomas F. Fedder, Clerk

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Mr. Oberlie recalled that the Memorandum of Understanding had been authorized at the previous Joint Meeting on December 5, 2001.

For the Housing Authority, Mrs. Albertin moved to approve their Resolution, Mr. Walus seconded the motion, which carried unanimously.

There being no more business, the presiding officer declared the meeting ADJOURNED (approximately 11:00 a.m.).

Thomas F. Fedder, City Clerk