

INTRODUCED: 03/24/2008

REFERRED TO: Metropolitan Development Committee

SPONSOR: Councillors Pfisterer and Nytes

DIGEST: amends the Code to clarify the procedures and eligibility of certain corporations to receive real property from the Metropolitan Development Commission under IC 36-7-15.1-15.1 and 22.5(e)(3)

SOURCE:

Initiated by: Department of Metropolitan Development

Drafted by: Mark A. Mertz, Assistant Corporation Counsel

LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL: _____

Date: March 19, 2008

CITY-COUNTY GENERAL ORDINANCE NO. _____, 2008

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to clarify the procedures and eligibility of certain corporations to receive real property from the Metropolitan Development Commission under IC 36-7-15.1-15.1 and IC 36-7-15.1-22.5(e)(3).

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 186-4 of the "Revised Code of the Consolidated City and County," regarding determination of eligibility of certain neighborhood development corporations and nonprofit corporations for sales and grants of real property, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 186-4. Determination of eligibility of neighborhood development corporations and nonprofit corporations for sales and grants of real property under IC 36-7-15.1-15.1 and IC 36-7-15.1-22.5(e)(3).

(a) When disposing of real property by sale or grant under IC 36-7-15.1-15.1 or IC 36-7-15.1-22.5(e)(3), the Metropolitan Development Commission shall only sell or grant to a nonprofit corporation or neighborhood development corporation, meeting that meets the following criteria:

- (1) It shall have, as a major corporate purpose and function, the provision of housing for low or moderate income families within the geographic area in which the parcel of property is located;
- (2) It shall have been established for at least one (1) year, and provide evidence of its 501(c)(3) status with a certificate of good standing; and
- (3) It shall have demonstrated its capacity to complete the project;
- (4) It shall not be in arrears on any taxes or special assessments on any real property that it owns; and
- (5) It shall, prior to receiving title to the real property, have filed, and complied with the terms of, a "project development agreement" in the form determined by the Metropolitan Development Commission, ~~which shall require, among other terms, that prior to the transfer of title to the real estate to it:~~

- a. ~~All affected registered neighborhood associations will have been notified and either agreed to the project or have been granted the opportunity for hearing before the commission; and~~
- b. ~~An acceptable and feasible financial plan for the intended redevelopment has been presented to and approved by the director or the director's designee.~~

~~(b) The City-County Council of the City of Indianapolis and of Marion County, Indiana, determines that so long as they operate in compliance with the criteria in subsection (a), the following nonprofit corporations and neighborhood development corporations meet the criteria established herein:~~

- ~~(1) Business Opportunity Systems Community Development Corporation;~~
- ~~(2) Community Action of Greater Indianapolis;~~
- ~~(3) Concord Community Development Corporation;~~
- ~~(4) Eastside Community Investments, Inc.;~~
- ~~(5) Indianapolis Neighborhood Housing Partnership;~~
- ~~(6) King Park Area Development Corporation;~~
- ~~(7) Mapleton-Fall Creek Housing Development Corporation;~~
- ~~(8) Martindale-Brightwood Community Development Corporation;~~
- ~~(9) Martin Luther King Community Development Corporation;~~
- ~~(10) Meridian Kessler Development Corporation;~~
- ~~(11) Near North Development Corporation;~~
- ~~(12) Riley Area Revitalization Program;~~
- ~~(13) Southeast Neighborhood Development, Inc.;~~
- ~~(14) United Northwest Area Development Corporation;~~
- ~~(15) West Indianapolis Development Corporation;~~
- ~~(16) Westside Community Development Corporation;~~
- ~~(17) Williams, Howard, Wright, Inc.;~~
- ~~(18) Habitat for Humanity;~~
- ~~(19) Historic Landmarks Foundation;~~
- ~~(20) Consortium Foundation, Inc.;~~
- ~~(21) Redevelopment/Revitalization of the Southside Community;~~
- ~~(22) Indiana Black Expo Economic Development Corporation;~~
- ~~(23) United Northeast Development Corporation;~~
- ~~(24) Midtown Economic Development and Industrial Corporation.~~

~~(b) Prior to the transfer of title to any real property under this section:~~

- (1) All affected registered neighborhood associations shall have been notified and either agreed to the project or have been granted the opportunity for hearing before the Commission; and
- (2) An acceptable and feasible financial plan for the intended redevelopment has been presented to and approved by the director or the director's designee.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. 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 provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

The foregoing was passed by the City-County Council this ____ day of _____, 2008, at ____ p.m.

ATTEST:

Bob Cockrum
President, City-County Council

Melissa Thompson
Clerk, City-County Council

Presented by me to the Mayor this ____ day of _____, 2008, at 10:00 a.m.

Melissa Thompson
Clerk, City-County Council

Approved and signed by me this ____ day of _____, 2008.

Gregory A. Ballard, Mayor