

Topics Tentatively Scheduled for Study Session Discussion and

Topics Requested for Action at Future Business Meetings of the Twenty-Ninth Town Council of Highland

This meeting will be convened as an electronic meeting, pursuant to Governor Holcomb's Executive Orders 20-04, 20-09 and 20-25 and now extended by Executive Order 21-11 through May 31, 2021 allowing such meetings, pursuant to IC 5-14-1.5-3.6 for the duration of the emergency.

People may observe and record the meeting for live streaming by joining the meeting on the following link:

<https://zoom.us/j/98288990573?pwd=dkJ5UFpyYlpLWm5YSVZNY0hmUTNBUT09>

Further, persons wishing to offer comment in the meeting may access the electronic meeting by using the preceding and adding the password for Meeting ID 982 8899 0573, password (code): 305412

Monday May 17, 2021:

Study Session immediately following special meeting at 6:30 p.m.

Hybrid/Electronic meeting

This meeting contributes to Agenda building for the plenary meeting. Please, also be aware of the running enrolled list of matters that are likely for the plenary meeting, subject to review by the municipal executive. By practice and local ordinance, study sessions are distinguished from plenary (regular business) meetings of the Town Council "as they shall be conducted with less formality and with no votes or final actions of a dispositive nature unless provided otherwise by proper notice, pursuant to IC [5-14-1.5](#) et seq." (Confer HMC Section 2.05.130(3))

Special Meeting at 6:30: Public Hearing and related action on FY 2021 CDBG Grant

- X. **Discussion:** Consideration and further discussion regarding the information or a revised approach to the recently filed for ECONOMIC DEVELOPMENT REVITALIZATION APPLICATION of Webb Hyundai continued. Dan Botich of Short Elliot and Hendrickson (S.E.H.) will be join you for this.
- X. **Discussion:** Desirability or need for revision to or the addition of the following positions:
 - Code Enforcement Officer, FTE.
 - Information Technology Officer, FTE.
 - Fiscal Analyst (Internal Controls)
- X. **Discussion:** The desirability of vacating the dedicated but unimproved street, 2703 Jewett Avenue, which lays directly in front of the American Legion Post 180, which appears to be on Ridge Road. *(See public way vacation memorandum)*

II.

Agenda Building Status Report

- 1 -

The Town of Highland acknowledges its responsibility to comply with the American with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, etc.) for participation in or access to Municipal sponsored public programs, services and or meetings, the Town of Highland requests that individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and or meeting. To make arrangements, contact the ADA Coordinator for the Town of Highland at (219) 972-7595.

• **Plenary Business Meeting of Monday May 24, 2021 Likely matters**

- X. Accounts payable vouchers Docket for the period of May 11, 2021 to May 24 in the amount of \$_____.
- X. Payroll Dockets for the payday of May 7, 2021 in the amount of \$ _____.
- X. Minutes of the Meeting of Monday May 10, 2021.
- X. PUBLIC HEARING on proposed additional appropriations. Community Crossings, Park Non Reverting Capital Corporation General Works Board Department.

**TOWN OF HIGHLAND, INDIANA
DEPARTMENT OF REDEVELOPMENT**

Economic Development Analysis of
Real and/or Personal Property Investment(s):
Economic Development & Financial Incentivization Analysis
2021-02
Comparable Data Applied & Scenario Summaries

Prepared For:
Project Webb

Prepared On:
May 10, 2021

Prepared By:



***NOTE:** The Economic Development & Financial Incentivization Analysis attached hereto is an estimate of potential financial incentive and tax implications based upon data and information provided by the prospect, current tax and assessment data and assumptions, for which actual results may vary and may be material. This analysis is provided as a resource for Town of Highland, Town administration and staff, and elected officials in making determinations as to the estimated impact of a prospect's project to the Town of Highland in determination of financial incentivization, if any to be offered as a condition of a Community Benefits Agreement (CBA) outlining the overall development agreement.*

**TOWN OF HIGHLAND, INDIANA
DEPARTMENT OF REDEVELOPMENT**

Project Webb
Comparable Data Applied to Scenarios

Assessment Year	1.1.2020	
Business Name (DBA)	Webb Ford	Webb Hyundai
Key Number	45-07-33- 101-004.000-026	45-07-29- 279-036.000-026

LAND

Acres	5.934	2.425
Real AV (Land)	\$ 1,510,500	\$ 863,900
AV per Acre	\$ 254,550	\$ 356,247

IMPROVEMENTS

Effective Year	1985	2008
C/I Building SF	41,502	13,446
RCN	\$ 2,392,823	\$ 1,074,631
RCN ^a AV/SF	\$ 57.66	\$ 79.92
AV: C/I Building	\$ 897,800	\$ 1,238,300
AV/SF	\$ 21.63	\$ 92.09
AV: Total of Imp.	\$ 1,153,000	\$ 1,349,000
AV/SF	\$ 27.78	\$ 100.33

TOTAL ASSESSMENT

Land & Improvements	\$ 2,663,500	\$ 2,212,900
Taxes ONLY Due	\$ 55,930.74	\$ 46,468.62
Taxes/SF	\$ 1.35	\$ 3.46

Assumptions:	AV/S.F.	Estimated Assessment
New Construction	\$ 92.09	\$ 540,594
Rehabilitation at 65% New	\$ 59.86	\$ 351,386
Total		\$ 891,979
APPLIED:		
\$2,200,000 at 55% Assessment Ratio		\$ 1,210,000

(a) RCN = Replacement Cost New

**TOWN OF HIGHLAND, INDIANA
DEPARTMENT OF REDEVELOPMENT**

**Project Webb
Summary of Schedules**

Scenario	ESTIMATED (10-Year Period)					
	Real Property Taxes Due	Real Property Taxes AFTER AV Deduction	AV Deduction Tax Savings	15% Imposed Fee	Net Tax Savings	
10-Year Traditional	\$ 718,776	\$ 593,002	\$ 125,773	\$ 18,866	\$ 106,907	
7-Year Traditional	\$ 718,776	\$ 617,395	\$ 101,381	\$ 15,207	\$ 86,174	
5-Year Traditional	\$ 718,776	\$ 642,550	\$ 76,226	\$ 11,434	\$ 64,792	
5-Year (100%)	\$ 718,776	\$ 591,732	\$ 127,044	\$ 19,055	\$ 107,989	
5-Year Alternative (to Match 10-Year Traditional)	\$ 718,776	\$ 593,002	\$ 125,773	\$ 18,865	\$ 106,908	

Current Taxes of the Project Site (Annual) \$ 464,856

Current Taxes of the Project Site (Annual) \$ 46,487

Estimated Increase in Taxes (2021 Investment) \$ 253,920

Estimated Annual Increase in Taxes (2021 Investment) \$ 25,392

Project Palisades

Economic Development Analysis:
Assessed Valuation Deduction Scenarios

Town of Highland, Indiana

May 10, 2021

Presenter:
Dan Botich
SEH of Indiana, LLC
Associate, Regional Practice Leader &
Sr. Economic Development Professional



FORM SB-1 Submitted

SECTION 1		TAXPAYER INFORMATION	
Name of taxpayer		Indiana Land Trust Company TR#120086	
Address of taxpayer (number and street, city, state, and ZIP code)		9236 Indianapolis Blvd. Highland, Indiana 46322	
Name of contact person	Telephone number	E-mail address	
Kelly Webb Roberts	(815) 230-6109	Kelly@webbcars.com	
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT	
Name of designating body		Resolution number	
Town of Highland			
Location of property		DLGF taxing district number	
9236 Indianapolis Blvd. Highland, Indiana 46322		45026	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) See Attached...		Estimated start date (month, day, year)	
		April 30, 2021	
		Estimated completion date (month, day, year)	
		January 1, 2022	
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT	
Current number	Salaries	Number retained	Salaries
38.00	\$50,000.00	38.00	\$50,000.00
		Number additional	Salaries
		15.00	\$50,000.00
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT	
		REAL ESTATE IMPROVEMENTS	
		ASSESSED VALUE	
Current values		COST	
Plus estimated values of proposed project		2,500,000.00	
Less values of any property being replaced		3,500,000.00	
Net estimated values upon completion of project		-300,000.00	
		5,700,000.00	
		1,349,000.00	
		3,602,900.00	
		0.00	
		4,951,900.00	



Project Site Assessment Card

45-07-29-279-036.000-026 Indiana Land Trust Company Tr 9236 INDIANAPOLIS BLVD 454, Auto Sales & Service Neighborhood- 16910 2/2

General Information

Occupancy C/I Building Pre. Use Auto Service
 Description C/I Building C 02 Pre. Framing Fire Resistant
 Story Height 1 N/A Pre. Finish Unfinished
 Type N/A # of Units 0

SB	B	1	U
		1: 1(493')	
		13446 sqft	
		5718 sqft	

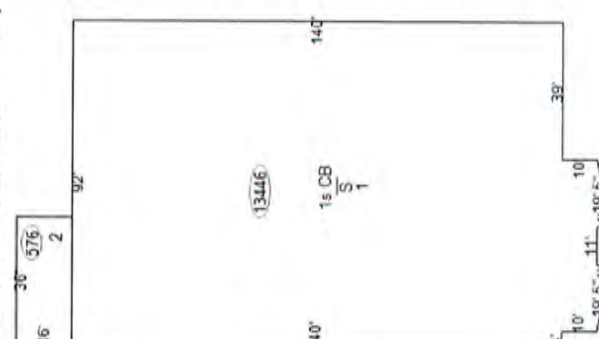
Wall Type
 Heating
 A/C
 Sprinkler

Plumbing RESICI

#	TF	#	TF	Roofing
0	0	0	0	Built Up <input type="checkbox"/> Tile <input type="checkbox"/> Metal
0	0	0	0	Wood <input type="checkbox"/> Asphalt <input type="checkbox"/> Slate
0	0	0	0	Other
0	0	0	0	GCK Adjustments
0	0	0	0	Low Prof <input type="checkbox"/> Ext Shant <input type="checkbox"/> Insulatio
0	0	10	10	Seal/CP <input type="checkbox"/> A/SR <input type="checkbox"/> Int Lngr
0	0	10	10	HCSR <input type="checkbox"/> PPS <input type="checkbox"/> Sand Pnl

Exterior Features

Description	Area	Value
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Floor/Use Computations

Pricing Key	GCM	GCM	GCM
Use	AUTOSER	GENOFF	AUTOSHO
Use Area	7728 sqft	858 sqft	4860 sqft
Area Not in Use	0 sqft	0 sqft	0 sqft
Use %	57.5%	6.4%	36.1%
Elf Perimeter	493'	493'	493'
PAR	4	4	4
# of Units / AC	0	0	0
Avg Unit sq/lot	-1	-1	-1
Floor	1	1	1
Wall Height	22'	12'	24'
Base Rate	\$50.78	\$74.86	\$66.16
Frame Adj	\$0.00	\$0.00	\$0.00
Wall Height Adj	\$3.76	\$0.00	\$7.50
Dock Floor	\$0.00	\$0.00	\$0.00
Roof Deck	\$0.00	\$0.00	\$0.00
Adj Base Rate	\$54.54	\$74.86	\$73.66
BPA Factor	1.00	1.00	1.00
Sub Total (rate)	\$54.54	\$74.86	\$73.66
Interior Finish	\$0.00	\$0.00	\$0.00
Partitions	\$0.00	\$0.00	\$0.00
Heating	\$0.00	\$0.00	\$0.00
A/C	\$0.00	\$0.00	\$0.00
Sprinkler	\$0.00	\$0.00	\$0.00
Lighting	\$0.00	\$0.00	\$0.00
Unit Finish/SR	\$0.00	\$0.00	\$0.00
GCK Adj.	\$0.00	\$0.00	\$0.00
S.F. Price	\$54.54	\$74.86	\$73.66
Sub-Total	\$0.00	\$0.00	\$0.00
Unit Cost	\$0.00	\$0.00	\$0.00
Elevated Floor	\$0.00	\$0.00	\$0.00
Total (Use)	\$421,485	\$64,230	\$357,988

Building Computations

Sub-Total (all floors)	Value
Racquetball/Squash	\$0
Theater/Balcony	\$0
Plumbing	\$16,000
Other Plumbing	\$1,300
Special Features	\$0
Exterior Features	\$0
Sub-Total (building)	\$185,003
Quality (Grade)	\$1,033,204
Location Multiplier	1.04
Repl. Cost New	\$1,074,531

Summary of Improvements

Description	Res Eligibl	Story Height	Construction	Grade	Year Built	Eff Co	Age	nd	Base Rate	LCM	Adj Rate	Size	RCN	Norm Dep	Remain. Value	Abn Obs	PC Nbrhd	Mrkt	Improv Value	
1: C/I Building C 02	0%	1	Concrete Block	B	2004	2008	12	A	\$76.10	1.04	\$76.10	13,446 sqft	\$1,074,531	14%	\$924,100	0%	100%	1,000	1,340	\$1,238,300
2: Car Wash, Drive Thru	0%	1	Concrete	B	2004	2004	16	A	\$16.70	1.04	\$16.70	576 sqft	\$54,704	46%	\$29,540	0%	100%	1,000	1,000	\$29,500
3: Fencing C 02	0%	1	Paint	C	2004	2004	16	A	\$16.70	1.04	\$16.70	576 x 6'	\$10,004	80%	\$2,000	0%	100%	1,000	1,000	\$2,000
4: Mezzanine C 02	0%	1	Asphalt	C	2004	2004	16	A	\$16.70	1.04	\$16.70	1664 sqft	\$73,705	30%	\$51,590	0%	100%	1,000	1,000	\$51,600
5: Paving C 02	0%	1	Asphalt	C	2004	2004	16	A	\$16.70	1.04	\$16.70	92,000 sqft	\$138,098	80%	\$27,620	0%	100%	1,000	1,000	\$27,600

Other Plumbing

Description	Value
1 x Ref Wat Cooler	\$1300



Total Assessment of Improvements: \$ 1,349,000

Building a Better World for All of Us®

Comparable Data Applied

Assessment Year

1.1.2020

Business Name (DBA)
Key Number

Webb Ford
45-07-33-
101-004.000-026

Webb Hyundai
45-07-29-
279-036.000-026

	1985	2008
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AV: Total of Imp.	\$ 1,153,000	\$ 1,349,000
AV/SF	\$ 27.78	\$ 100.33
TAXES Per S.F.		
Improvements	\$ 1,153,000	\$ 1,349,000
Taxes ONLY Due	\$ 29,865.01	\$ 34,941.80
Taxes/SF	\$ 0.72	\$ 2.60
Land & Improvements		
Taxes ONLY Due	\$ 1,154,985	\$ 1,351,008
Taxes/SF	\$ 55,930.74	\$ 46,468.62
Taxes/SF	\$ 1.35	\$ 3.46

Assumptions:	AV/S.F.	Estimated Assessment
New Construction	\$ 92.09	\$ 540,594
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Scenarios Prepared

Assessed Valuation Deductions (Tax Abatement) of Real Property Improvements Assessed after January 1, 2021 for:

- 10-Year Abatement Period / Traditional Abatement Percentages
- 7-Year Abatement Period / Traditional Abatement Percentages
- 5-Year Abatement Period / Traditional Abatement Percentages
- 5-Year Abatement Period / 100% Deduction for 5-Years
- 5-Year Abatement Period / Alternative Abatement Percentages to Match 10-Year Traditional)

Summary of Scenarios (10-Year Period)

Scenario	No Abatement		Real Property Taxes AFTER AV Deduction		AV Deduction Tax Savings	15% Imposed Fee	Net Tax Savings
	Real Property Taxes Due	Real Property Taxes AFTER AV Deduction	AV Deduction Tax Savings	15% Imposed Fee	Net Tax Savings		
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5-Year Alternative (to Match 10-Year Traditional)	\$ 718,776	\$ 593,002	\$ 125,773	\$ 18,865	\$ 106,908		

If FORM SB-1 is approved by Resolution

Current Taxes of the Project Site (Annual)	\$ 464,856
Current Taxes of the Project Site (Annual)	\$ 46,487
Estimated Increase in Taxes (2021 Investment)	\$ 253,920
Estimated Annual Increase in Taxes (2021 Investment)	\$ 25,392



Questions



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CODE ENFORCEMENT OFFICER (As currently authorized)

5.20.060 Enforcement officer.

(A) Appointment. There is hereby created the position of assistant ordinance inspector. The person shall be appointed by and serve at the pleasure of the chief inspector/building commissioner.

(B) Oath and Bond.

(1) Before any such ordinance inspector shall enter upon the office's duties, the ordinance inspector shall be required to take and subscribe an oath of office and shall file an individual bond in the sum of \$15,000 payable to the state of Indiana, pursuant to IC ~~5-4-1-10~~, to be approved by the town clerk-treasurer.

(2) The bond shall be conditioned upon the faithful performance of the inspector's duties, including the duty to comply with IC ~~35-44.1-1-1~~ and the duty to account properly for all monies and property received by virtue of the employee's service in the office or position.

(3) The premium on said bond shall be paid by the town. Said bond may be executed with any recognized surety company authorized to do business in the state.

(4) The bond, as well as the oath, shall be filed in the office of the clerk-treasurer and recorded in the office of the recorder of Lake County, pursuant to IC ~~5-4-1-5~~.

(5) It is highly preferred but not required that the assistant ordinance inspector be a resident of the town.

(C) Duties and Powers. It shall be the duty of the assistant ordinance inspector to investigate complaints regarding ordinance violations, issuing such warning citations, valid citations or letters as warranted, following the progressive disciplinary process. In addition, the assistant ordinance inspector shall receive instructions from the chief inspector concerning municipal codes to be enforced and shall assist the chief inspector in the administration of the building and construction code and such other matters as the chief inspector may from time to time direct which may include but not be limited to visual inspection and patrol to check for municipal code violations, unlicensed contractors, undocumented construction projects, unregistered businesses, public nuisances, and portable sign violations.

(D) Additional Duties and Records. The assistant ordinance inspector shall keep a careful and accurate record of all warning citations, valid citations, issued letters and such other work product as may be generated in consequence of

his duties. The assistant ordinance inspector shall provide such information as may be necessary to support the town prosecuting attorney in court hearings and such other enforcement proceedings as may be undertaken.

(E) Prohibited Interests. It shall be unlawful for the assistant ordinance inspector to engage in the business or crafts over which he may have regulatory authority, in the town of Highland, nor shall he have any direct financial interest in any such concern inside the town of Highland at any time while holding the office of assistant ordinance inspector.

(F) Fees and Fines. All fees and fines collected in conjunction with the duties and powers of the assistant ordinance inspector shall be paid into the proper fund of the town of Highland.

(G) Compensation and Qualifications. The assistant ordinance inspector should have a knowledge and understanding of the town codes and their applications. The assistant ordinance inspector shall be paid on an hourly basis according to the grade and rate established and in force and effect in the most recent wage and salary ordinance as passed by the town council from time to time. The assistant ordinance inspector shall carry out his duties as may be needed and as directed by the chief inspector. Any change in the compensation or any change in the position sufficient to affect the compensation of the position shall only be effective upon proper action and authorization of the town council. [Ord. 1004, 1994; Ord. 1299 § 4, 2006; Ord. 1616 § 1, 2016; Ord. 1681 § 4, 2018. Code 1983 § 5-126.1; Code 2000 § 210.090].

5.20.070 Violations.

The council or its designee may, upon their own motion, and shall, upon the verified complaint in writing of any person setting forth specifically the wrongful act or acts complained of, investigate any action or business transaction of any licensee and shall have the power to suspend or revoke a license issued by the council or its designee under the provisions of this chapter if, after due proceedings as herein provided, it shall find the holder to have been guilty of the performance or attempt to perform any of the following prohibited acts or conduct:

(A) Wishful or deliberate disregard of the applicable construction codes and ordinances of the town of Highland, state of Indiana, or any rules promulgated pursuant thereto;

(B) Aiding or abetting any unlicensed person to evade the provisions of this chapter or rules and regulations promulgated thereto;

(C) Knowingly combining or conspiring with unlicensed persons with the intent to evade the provisions of this chapter or the rules and regulations promulgated pursuant thereto;

(D) Acting in the capacity of a contractor under any license issued hereunder except in the name of the licensee as set forth on the issued license;

(E) Diversion of funds or property received from prosecution or completion of a specified construction project or operation, where as a result of the diversion, the contractor is or will be unable to complete or fulfill the terms of his obligation to contract;

(F) Paying compensation in money or other valuable considerations to any person other than a licensed contractor for rendering services or doing any act required by this chapter to be performed by a licensed contractor holding a license;

(G) No violation of any provisions of this chapter by an agent or employee of any licensed contractor shall be grounds for the suspension or revocation of the license of the employer. For the purpose of the preceding sentence, a course of dealing shown to have been consistently followed by an employee shall constitute prima facie evidence of knowledge on the part of the employer;

(H) Any person aggrieved by any action by the board or its designee in suspending, revoking, or failing to renew a license may seek judicial review thereof;

(I) The record of the board or its designee, or a duly certified copy thereof, shall be admissible in any proceedings at law or in equity in any court of competent jurisdiction in this or any other state in which the applicant or licensee charged or under investigation is a party, and where the issues involved in the proceedings are pertinent to the inquiry before the board or its designee, and the verdict or judgment of the court in any action at law or the decree of the court in any proceeding in equity shall be prima facie evidence of the facts at issue in the proceedings and necessarily adjudicated therein;

(J) The verdict in any prosecution in a court of record of this or any state in which the applicant licensee charged shall have been the defendant shall be conclusive as to the facts charged and at issue in such prosecution;

(K) After the revocation of any license, no new license shall be issued to the same licensee within a period of at least one year subsequent to the date of the revocation;

(L) Whenever a new license is issued by the board or its designee to any person whose license has been previously revoked, the issuance shall be treated as an initial issuance and the applicant shall be required to pay the fees and, in the case of contractors, shall be required to submit to the examination required of all other initial applicants. [Ord. 908, 1984; amended during 2012 recodification. Code 1983 § 5-131; Code 2000 § 210.091].

Penalty, see HMC [15.05.030](#).

5.20.080 Exceptions and exclusions.

This chapter does not apply to:

(A) An authorized employee of the United States, the state of Indiana, county of Lake, or any political subdivision thereof, so long as the employee does not hold himself out for hire and is acting within the scope of his employment;

(B) Public utilities, where construction, maintenance, and development work performed by their own forces and incidental to their business;

(C) The owner occupant of a dwelling of a two or less residential unit when said owner occupant is installing, altering, or repairing said residential unit;

(D) Any construction, alteration, improvement, or repair of improvements located on any site and project where state and federal law supersedes this chapter;

(E) Any individual who is employed or acts as a maintenance man at his place of employment. [Ord. 908, 1984. Code 1983 § 5-132; Code 2000 § 210.092].

5.20.090 Limitations on town.

Nothing in this chapter shall limit the power of the town of Highland to regulate the quality and character of work performed by contractors throughout the enforcement of building codes and inspections. [Ord. 908, 1984. Code 1983 § 5-133; Code 2000 § 210.093].

5.20.100 Renewal.

Any person actively engaged in the contracting business for a period of one year prior to or on the effective date of the ordinance codified in this chapter shall be issued a license without the requirement of taking an examination if such person makes application to the board or its designee and furnishes adequate proof of his entitlement to be licensed in the category in which he makes application and pays the fees required by this chapter. [Ord. 908, 1984. Code 1983 § 5-134; Code 2000 § 210.094].

5.20.110 Legal proceedings.

Where in any proceeding before the council or its designee any contractor or witness shall fail or refuse to attend a request issued by the council or its designee or, appearing, shall refuse to testify or shall refuse to provide any information or data, the production of which is called for by the council or its

designee, such request shall constitute a legally enforceable action to be taken by the council or its designee and shall be enforced by any court of this state. [Amended during 2012 recodification, Ord. 908, 1984, Code 1983 § 5-135; Code 2000 § 210.095].

5.20.120 Authorization.

The council or its designee is hereby authorized and empowered to adopt, fix, and establish all rules and regulations necessary for the proper administration of the provisions of this chapter. [Ord. 908, 1984, Code 1983 § 5-136; Code 2000 § 210.096].

5.20.130 Insurance.

Liability insurance in an amount not less than \$100,000 per occurrence, and property damage insurance in an amount not less than \$50,000 per occurrence, shall be required of each applicant. A certificate or copy of the insurance policy shall be filed with the council or its designee by the licensed general and specialty contractors as herein provided. [Ord. 908, 1984, Code 1983 § 5-138; Code 2000 § 210.097].

5.20.060 Enforcement officer.

(A) Appointment. There is hereby created the position of assistant ordinance inspector. The person shall be appointed by and serve at the pleasure of the chief inspector/building commissioner.

(B) Oath and Bond.

- (1) Before any such ordinance inspector shall enter upon the office's duties, the ordinance inspector shall be required to take and subscribe an oath of office and shall file an individual bond in the sum of \$15,000 payable to the state of Indiana, pursuant to IC 5-4-1-10, to be approved by the town clerk-treasurer.
- (2) The bond shall be conditioned upon the faithful performance of the inspector's duties, including the duty to comply with IC 35-44-1-1 and the duty to account properly for all monies and property received by virtue of the employee's services in the office or position.
- (3) The premium on said bond shall be paid by the town. Said bond may be executed with any recognized surety company authorized to do business in the state.
- (4) The bond, as well as the oath, shall be filed in the office of the clerk-treasurer and recorded in the office of the recorder of Lake County, pursuant to IC 5-4-1-5.1.
- (5) It is highly preferred but not required that the assistant ordinance inspector be a resident of the town.

(C) Duties and Powers. It shall be the duty of the assistant ordinance inspector to investigate complaints regarding ordinance violations, issuing such warning

citations, valid citations or letters as warranted, following the progressive disciplinary process. In addition, the assistant ordinance inspector shall receive instructions from the chief inspector concerning municipal codes to be enforced and shall assist the chief inspector in the administration of the building and construction code and such other matters as the chief inspector may from time to time direct which may include but not be limited to visual inspection and patrol to check for municipal code violations, unlicensed contractors, undocumented construction projects, unregistered businesses, public nuisances, and portable sign violations.

(D) Additional Duties and Records. The assistant ordinance inspector shall keep a careful and accurate record of all warning citations, valid citations, issued letters and such other work product as may be generated in consequence of his duties. The assistant ordinance inspector shall provide such information as may be necessary to support the town prosecuting attorney in court hearings and such other enforcement proceedings as may be undertaken.

(E) Prohibited Interests. It shall be unlawful for the assistant ordinance inspector to engage in the business or crafts over which he may have regulatory authority, in the town of Highland, nor shall he have any direct financial interest in any such concern inside the town of Highland at any time while holding the office of assistant ordinance inspector.

(F) Fees and Fines. All fees and fines collected in conjunction with the duties and powers of the assistant ordinance inspector shall be paid into the proper fund of the town of Highland.

(G) Compensation and Qualifications. The assistant ordinance inspector should have a knowledge and understanding of the town codes and their applications. The assistant ordinance inspector shall be paid on an hourly basis according to the grade and rate established and in force and effect in the most recent wage and salary ordinance as passed by the town council from time to time. The assistant ordinance inspector shall carry out his duties as may be needed and as directed by the chief inspector. Any change in the compensation or any change in the position sufficient to affect the compensation of the position shall only be effective upon proper action and authorization of the town council. [Ord. 1004, 1994; Ord. 1299 § 4, 2006; Ord. 1616 § 1, 2016; Ord. 1681 § 4, 2018, Code 1983 § 5-126.1; Code 2000 § 210.090].

5.20.070 Violations.

The council or its designee may, upon their own motion, and shall, upon the verified complaint in writing of any person setting forth specifically the wrongful act or acts complained of, investigate any action or business transaction of any licensee and shall have the power to suspend or revoke a license issued by the council or its designee under the provisions of this chapter if, after due proceedings as herein provided, it shall find the holder to have been guilty of the performance or attempt to perform any of the following prohibited acts or conduct:

(A) Willful or deliberate disregard of the applicable construction codes and ordinances of the town of Highland, state of Indiana, or any rules promulgated pursuant thereto;

(B) Aiding or abetting any unlicensed person to evade the provisions of this chapter or rules and regulations promulgated thereto;

5.20.080 Exceptions and exclusions.

This chapter does not apply to:

- (A) An authorized employee of the United States, the state of Indiana, county of Lake, or any political subdivision thereof, so long as the employee does not hold himself out for hire and is acting within the scope of his employment;
- (B) Public utilities, where construction, maintenance, and development work performed by their own forces and incidental to their business;
- (C) The owner occupant of a dwelling of a two or less residential unit when said owner occupant is installing, altering, or repairing said residential unit;
- (D) Any construction, alteration, improvement, or repair of improvements located on any site and project where state and federal law supersedes this chapter;
- (E) Any individual who is employed or acts as a maintenance man at his place of employment. [Ord. 908, 1984. Code 1983 § 5-132; Code 2000 § 210.092].

5.20.090 Limitations on town.

Nothing in this chapter shall limit the power of the town of Highland to regulate the quality and character of work performed by contractors throughout the enforcement of building codes and inspections. [Ord. 908, 1984. Code 1983 § 5-133; Code 2000 § 210.093].

5.20.100 Renewal.

Any person actively engaged in the contracting business for a period of one year prior to or on the effective date of the ordinance codified in this chapter shall be issued a license without the requirement of taking an examination if such person makes application to the board or its designee and furnishes adequate proof of his entitlement to be licensed in the category in which he makes application and pays the fees required by this chapter. [Ord. 908, 1984. Code 1983 § 5-134; Code 2000 § 210.094].

5.20.110 Legal proceedings.

Where in any proceeding before the council or its designee any contractor or witness shall fail or refuse to attend a request issued by the council or its designee or, appearing, shall refuse to testify or shall refuse to provide any information or data, the production of which is called for by the council or its designee, such request shall constitute a legally enforceable action to be taken by the council or its designee and shall be enforced by any court of this state. [Amended during 2012 recodification; Ord. 908, 1984. Code 1983 § 5-135; Code 2000 § 210.095].

5.20.120 Authorization.

The council or its designee is hereby authorized and empowered to adopt, fix, and establish all rules and regulations necessary for the proper administration of the provisions of this chapter. [Ord. 908, 1984. Code 1983 § 5-136; Code 2000 § 210.096].

5.20.130 Insurance.

Liability insurance in an amount not less than \$100,000 per occurrence, and property damage insurance in an amount not less than \$50,000 per occurrence, shall be required of each applicant. A certificate or copy of the insurance policy shall be filed with the council or its designee by the licensed general and specialty contractors as herein provided. [Ord. 908, 1984. Code 1983 § 5-138; Code 2000 § 210.097].

(C) Knowingly combining or conspiring with unlicensed persons with the intent to evade the provisions of this chapter or the rules and regulations promulgated pursuant thereto;

(D) Acting in the capacity of a contractor under any license issued hereunder except in the name of the licensee as set forth on the issued license;

(E) Diversion of funds or property received from prosecution or completion of a specified construction project or operation, where as a result of the diversion, the contractor is or will be unable to complete or fulfill the terms of his obligation to contract;

(F) Paying compensation in money or other valuable considerations to any person other than a licensed contractor for rendering services or doing any act required by this chapter to be performed by a licensed contractor holding a license;

(G) No violation of any provisions of this chapter by an agent or employee of any licensed contractor shall be grounds for the suspension or revocation of the license of the employer. For the purpose of the preceding sentence, a course of dealing shown to have been consistently followed by an employee shall constitute prima facie evidence of knowledge on the part of the employer;

(H) Any person aggrieved by any action by the board or its designee in suspending, revoking, or failing to renew a license may seek judicial review thereof;

(I) The record of the board or its designee, or a duly certified copy thereof, shall be admissible in any proceedings at law or in equity in any court of competent jurisdiction in this or any other state in which the applicant or licensee charged or under investigation is a party, and where the issues involved in the proceedings are pertinent to the inquiry before the board or its designee, and the verdict or judgment of the court in any action at law or the decree of the court in any proceeding in equity shall be prima facie evidence of the facts at issue in the proceedings and necessarily adjudicated therein;

(J) The verdict in any prosecution in a court of record of this or any state in which the applicant licensee charged shall have been the defendant shall be conclusive as to the facts charged and at issue in such prosecution;

(K) After the revocation of any license, no new license shall be issued to the same licensee within a period of at least one year subsequent to the date of the revocation;

(L) Whenever a new license is issued by the board or its designee to any person whose license has been previously revoked, the issuance shall be treated as an initial issuance and the applicant shall be required to pay the fees and, in the case of contractors, shall be required to submit to the examination required of all other initial applicants. [Ord. 908, 1984; amended during 2012 recodification. Code 1983 § 5-131; Code 2000 § 210.091].

Penalty, see HMC 15.05-030.

Town of Highland • Office of the Town Clerk-Treasurer
Memorandum

Date: Thursday, September 28, 2000
Friday, December 19, 2003
Tuesday, August 17, 2004
Friday, March 14, 2008
Friday, March 10, 2017
Friday, May 14, 2021

To: Interested persons

From: Michael W. Griffin, IAMC/MMC/CPFA/ACPFIM/CMO
Clerk-Treasurer

Re: Vacation of Public Way or Easement Kit

Dear Interested Party,

Thank you for your recent telephone call. This memorandum will assist you and your legal counsel with the process to obtain a vacation petition leading to a vacation of a public way.

The relevant statute in pertinent part is set forth for your ease as follows:

IC 36-7-3-12 Vacation of public way or place; petition; notice; hearing; adoption of ordinance; appeals

Sec. 12. (a) Persons who:

- (1) own or are interested in any lots or parts of lots; and
- (2) want to vacate all or part of a public way or public place in or contiguous to those lots or parts of lots;

may file a petition for vacation with the legislative body of:

- (A) a municipality, if all or any part of the public way or public place to be vacated is located within the corporate boundaries of that municipality; or
- (B) the county, if all or the only part of the public way or public place to be vacated is located outside the corporate boundaries of a municipality.

(b) Notice of the petition must be given in the manner prescribed by subsection (c).

The petition must:

- (1) state the circumstances of the case;
- (2) specifically describe the property proposed to be vacated; and
- (3) give the names and addresses of all owners of land that abuts the property proposed to be vacated.

(c) The legislative body shall hold a hearing on the petition within thirty (30) days after it is received. The clerk of the legislative body shall give notice of the petition and of the time and place of the hearing:

- (1) in the manner prescribed in IC 5-3-1; and
- (2) by certified mail to each owner of land that abuts the property proposed to be vacated.

The petitioner shall pay the expense of providing this notice.

(d) The hearing on the petition is subject to IC 5-14-1.5. At the hearing, any person aggrieved by the proposed vacation may object to it as provided by section 13 of this chapter.

(e) After the hearing on the petition, the legislative body may, by ordinance, vacate the public way or public place. The clerk of the legislative body shall furnish a copy of each vacation ordinance to the county recorder for recording and to the county auditor.

(f) Within thirty (30) days after the adoption of a vacation ordinance, any aggrieved person may appeal the ordinance to the circuit court of the county. The court shall try the matter de novo and may award damages. As added by Acts 1981, P.L.309, SEC.22. Amended by Acts 1981, P.L.46, SEC.6; Acts 1982, P.L.211, SEC.2.

IC 36-7-3-13 Vacation proceedings; filing of remonstrances and objections; grounds

Sec. 13. A remonstrance or objection permitted by section 11 or 12 of this chapter may be filed or raised by any person aggrieved by the proposed vacation, but only on one (1) or more of the following grounds:

(1) The vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.

(2) The vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient.

(3) The vacation would hinder the public's access to a church, school, or other public building or place.

(4) The vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous. As added by Acts 1981, P.L.309, SEC.22. Amended by Acts 1981, P.L.46, SEC.7; Acts 1982, P.L.211, SEC.3; P.L.353-1983, SEC.1.

IC 36-7-3-14 Vacation of platted land; descriptions of lots and parcels in plat preserved; exceptions

Sec. 14. (a) If any platted land is vacated, the descriptions of the lots and parcels of that land shall be preserved as set forth in the plat, with the proportionate parts of vacated streets and alleys added as provided by law, unless all the owners of land in the vacated area consent in writing to the description of the area by:

(1) the method used before the plat was made;

(2) metes and bounds; or

(3) other appropriate description.

(b) Notwithstanding subsection (a), a vacated tract of five (5) acres or more that is owned by one (1) person, or jointly by two (2) or more persons, need not be described by lot number and may be described by metes and bounds or some other method. As added by Acts 1981, P.L.309, SEC.22.

IC 36-7-3-15 Termination of vacation proceeding; limitation

Sec. 15. After the termination of a vacation proceeding under this chapter, a subsequent vacation proceeding affecting the same property and asking for the same relief may not be initiated for two (2) years. As added by Acts 1981, P.L.309, SEC.22.

IC 36-7-3-16 Vacation of platted easements; public utility's use of public way or place notwithstanding vacation proceedings; waiver

Sec. 16. (a) Platted easements may be vacated in the same manner as public ways and public places, in accordance with section 12 of this chapter or with IC 36-7-4-712, whichever is applicable.

(b) Notwithstanding this article, vacation proceedings do not deprive a public utility of the use of all or part of a public way or public place to be vacated, if, at the time the proceedings are instituted, the utility is occupying and using all or part of that public way or public place for the location and operation of its facilities. However, the utility may waive its rights under this subsection by filing its written consent in the vacation proceedings. As added by Acts 1981, P.L.309, SEC.22. Amended by P.L.220-1986, SEC.7.

By way of summary:

1. Petitioner, please **complete the petition** in the form provided, including a legal description as well as a more common plain English description. The petition should include the necessary basis for the request consistent with the statute above.
2. The petition must be filed with me as the municipal clerk. Once filed, I am required to prepare a legal notice to indicate that a hearing will be conducted within 30 days of the filing on the petition to vacate.

I generally try to schedule the hearing so that the date falls within the standing schedule of the Town Council, which is the first and third Mondays of each month. Please keep in mind that the legal notice must run in a qualified newspaper at least 10 days before the hearing. The newspaper usually needs five days in advance of the desired publication date to insure the desired timely publication.

3. Petitioner, you will be responsible to **mail the certified letters** of notice as called for in IC 36-7-3-12(c) (2). At the hearing, you will be required to submit the proofs of receipt or certifications. Remember, the notice I prepare must go to the affected property holders who *abut* the public way proposed to be vacated. If you provide your legal description and petition in an electronic medium, saved on CD-ROM, you will expedite the process considerably. I would want this to accompany the petition. I will prepare the legal notice.

I will cause the legal notices to be published upon receipt of your petition. You will agree to pay the costs of that legal notice.

Finally, for the vacation to be perfected, the action of the Town Council will need to be recorded. The County Recorder is authorized and will charge a fee for recording this vacation. Also, there will be a cost associated with the legal notices published to support the hearing as indicated.

Please review the accompanying materials and then you or your legal counsel may call me to clarify this process.

Accompanying Sample Petition
Accompanying Sample Notice of Petition
Accompanying Sample Vacation Ordinance

STATE OF INDIANA)
COUNTY OF LAKE) SS:
TOWN OF HIGHLAND)

Petition for Vacation of Public Way, Place or Easement

To the Town Council for the Town of Highland, Lake County, Indiana:

The undersigned, as owner of real property that fronts or abuts upon the following described public way now files this petition with the Town Clerk-Treasurer of Highland, as municipal clerk and request that notice be given pursuant to I.C. 36-7-3-12 and I.C. 5-3-1 *et seq.*, for a public hearing before the Town Council of Highland, which is also the legislative body of the municipality, requesting that the public way, as hereinafter described be vacated for reasons hereafter to be stated:

I.

Legal Description. The undersigned petitioner, property-owner, now comes requesting the vacation of the following described public way:

INSERT LEGAL DESCRIPTION

And as shown on the proposed Plat of Vacation, attached as Exhibit "A," more commonly known as approximately _____ Avenue.

II.

Rationale. The undersigned property-owner believes it to be in the public interest and of public benefit for the vacation of the herein described public way, place or easement for the following reasons and circumstances:

- a. The public way sought to be vacated is not improved as of this date and is not being used for a public purpose.
- b. The vacation of that part described in my petition is consistent with the subdivision requirements of the Plan Commission.

(Use the one that is correct)

III.

That the undersigned further certifies that the following represent all the owners by resident address whose property abuts the property herein proposed to be vacated:

LIST OF PROPERTY OR PROPERTIES

That the undersigned further certifies that it is the owner of the property as identified by address and represented on the petition associated and adjacent to the petitioner's signature;

Respectfully submitted to the Honorable Town Council of Highland, Lake County, Indiana, for its favor and consideration on the __ day of _____, 200X.

Petitioner: MOTO TOWN ENTERPRISES
Berry Gordy, as Trustee
Hitsville
Detroit, MI

Signature _____

DATE: _____

Received by me, the duly serving, qualified and acting clerk-treasurer, who is also the clerk of the Legislative body on the ____ day of _____, 2021.

Michael W. Griffin, Clerk-Treasurer
Town of Highland, Lake County, Indiana

**TOWN OF HIGHLAND, LAKE COUNTY, INDIANA
NOTICE OF PUBLIC HEARING**

Petition Requesting a Vacation of a Public Way

A Petition has been filed with the Municipal Clerk of the Town of Highland for Vacation of a Public Way, a portion of **an easement**, in the Town of Highland, which abuts the rear of the petitioners property at XXXX Fourth Place, Highland, and, which public way is further described as follows:

The South two feet (2') of the North seven feet (7'), except the East ten feet (10') of Lot 383 of the Lakeside 12th Addition to the Town of Highland as recorded on Plat Book 39, Page 15, in the Office of the Lake County Recorder, such easement, all in the Town of Highland, Lake County, Indiana.

The hearing to consider this petition will be held by the Highland Town Council on the **12th day of June, 200X** in the Meeting Room at the Municipal Building, 3333 Ridge Road, Highland, Indiana **at 7:00 p.m.** Any interested person is invited to attend the hearing.

**HIGHLAND TOWN COUNCIL
XXXXXXXX, President**

By: OFFICE of the TOWN CLERK-TREASURER
Michael W. Griffin, Clerk-Treasurer

ORDINANCE No. XXXX
of the
TOWN OF HIGHLAND, INDIANA

**AN ORDINANCE VACATING A PUBLIC WAY, PLACE OR
EASEMENT PURSUANT TO INDIANA CODE 36-7-3 CHAPTERS 12
AND 16.**

WHEREAS, The Town Council of the Town of Highland is the Municipal Legislative Body of the unit; and

WHEREAS, NAME of PETITIONER, has filed a petition with the Clerk-Treasurer as clerk of the municipal legislative body, requesting a public hearing on the matter of vacation of a public way, place or easement, the legal description of which is set forth herein; and

WHEREAS, The municipal clerk has caused through the petitioner, notice to be given in the manner prescribed in I.C. 5-3-1, as well as by certified mail to each owner of land that abuts the property proposed to be vacated, and such hearing has been conducted; and

WHEREAS, The Town Council desires to execute a vacation of the aforementioned public way, place or easement pursuant to Indiana Code 36-7-3 et sequitur;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Council of the Town of Highland, as follows:

Section 1. That the Town of Highland, by and through its Town Council of the Town of Highland, Lake County, Indiana hereby vacates and forever releases all right, title and interest in and to the following described public way, place or easement to **NAME of PETITIONER**, XXXXX Fourth Place, Highland, Lake County, Indiana:

A public way which is an easement that abuts and is contiguous to the rear of the petitioner's property located at **XXXXX Fourth Place**, Highland, Lake County, Indiana, which public way or alley is further described as follows:

(Sample)

The South two feet (2') of the North seven feet (7'), except the East ten feet (10') of Lot 383 of the Lakeside 12th Addition to the Town of Highland as recorded on Plat Book 39, Page 15, in the Office of the Lake County Recorder.

Section 2. That the Town Council further finds and determines:

(A) That the vacation would not hinder growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous;

(B) That the vacation would not make access to the contiguous lands or lands of any aggrieved persons by means of a public way or difficult or inconvenient;

(C) The vacation would not hinder the public's access to a church, school, or other public building or place;

(D) The vacation would not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous;

Section 3. That this ordinance will be in full force and effect from and after its passage and adoption, subject and pursuant to provisions of I.C. 36-7-3-12(f).

Introduced and Filed on the _____ day of _____, 20XX. Consideration on First Reading Sustained a vote of ____ in Favor and ____ Opposed, pursuant to I.C. 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this _____ day of _____, 20XX, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of __ in favor and __ opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

XXXXXXXX, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)