

**HIGHLAND REDEVELOPMENT COMMISSION
STUDY SESSION MINUTES
TUESDAY, NOVEMBER 24, 2020**

Members of the Highland Redevelopment Commission (“RC”, “Commission”) met in an electronically convened meeting using the Zoom platform on Tuesday, November 24, 2020. The meeting was convened as an electronic meeting pursuant to Governor Eric Holcomb’s Executive Order 20-04, 20-09 and 20-25 now extended through 12 December 2020 by his Order 20-48, allowing such meetings pursuant to IC 5-14-1.5-3.6 for the duration of the COVID-19 emergency. The Study Session was called to order at 7:02 p.m. by Commission President Cy Huerter.

Minutes were prepared by Kathy DeGuilio-Fox, Redevelopment Director and Recording Secretary.

Roll Call: Commissioners present included Jack Havlin, Cy Huerter, Renee Reinhart and Tony Washick. Commissioner Robyn Radford was absent. A quorum was established.

Additional Officials Present: Patrick Krull, School Town of Highland Liaison and non-voting member; Roger Sheeman, Council Liaison to the Redevelopment Commission; John P Reed, Redevelopment attorney, Abrahamson, Reed & Bilse; Ed Dabrowski, IT Consultant; and Kathy DeGuilio-Fox, Redevelopment Director.

Also Present: There were no additional attendees identified.

General Substance of the Discussion

1. **Review of Plenary Business Meeting Agenda:** Ms. DeGuilio-Fox reviewed the agenda items that the Commissioners were to address during their plenary business meeting.
2. **Parking Lot Project Highway & Kennedy - Update:**
 - a. **Construction:** A brief overview was given of the construction activities since the last report. Director DeGuilio-Fox reported the completion of all major aspects of the project except the Depot. There are a number of items that remain unfinished including the roof, Depot signage and painting. Ms. DeGuilio-Fox also advised that the final landscaping will be installed next spring as will grass seed as will repairs to stamped asphalt along the pedestrian walkways. Although the weather is turning colder everything that can be will be completed this year prior to the punch list inspection. Discussion ensued.
3. **Downtown Streetlight Retrofit or Replacement – Update:** Director DeGuilio-Fox reported she had prepared a spreadsheet showing the quote information. However, she advised that she recommended the commissioners reject all of the quotes because she feels they are not comparing the same specifications. She advised that this could be done within the law and introduced to the commissioners IC 5-22-10, the Special Purchasing law that allows the Commission to reject the submitted quotes and ask for new quotes to be provided according to very specific specifications. Attorney Reed confirmed that this action could be taken according to IC 5-22-10. Ms. DeGuilio-Fox offered that she and Derek Snyder would work together to get this accomplished in time for quotes to be considered at the Commission’s December 15th meeting. Ms. DeGuilio-Fox introduced Derek Snyder, NIES Engineering and advised she felt Derek could more adequately explain the problems with the quotes and the information that had been received to date. Mr. Snyder explained the primary issues with the quotes as received as well as provided a more in-depth overview of the lighting options and he concurred with Ms. DeGuilio-Fox’s suggestion to reject the current quotes. A lengthy discussion ensued with numerous questions asked. Mr. Snyder was asked if there was a cost savings estimate completed. He

responded there had been and that Ms. DeGuilio-Fox had included it in the grant application. Council Liaison Sheeman asked what the overall cost savings would be. Without the savings estimate table at hand both Derek Snyder and Ms. DeGuilio-Fox recalled that it would be \$9,000+ over the course of approximately 10 years. Mr. Sheeman suggested the Redevelopment Commission request the total savings amount be requested from the Civil Town to help cover the cost of new lighting. He suggested the Town Council could approve this amount be paid to the Redevelopment Commission since the Civil Town will realize the savings over the upcoming years. Ms. DeGuilio-Fox advised she would speak with Clerk-Treasurer Griffin about this suggestion and ask that Councilman Sheeman approach the Town Council with the idea.

4. **Bult Oil Public Offering – Report:** Ms. DeGuilio-Fox advised that there had been no proposals received in regard to the purchase and development of the former Bult Oil property. She advised that because no proposals were submitted, by Indiana law, the commissioners could wait thirty (30) days and enter into negotiations for a selling price lower than the public offering. The Commissioners felt this to be a viable next step. Discussion ensued.
5. **Container Market – Discussion:** Ms. DeGuilio-Fox reported she had spoken with Jay Lieser of 1st Metropolitan Builders. 1st Metropolitan Builders continues to be interested and will meet with Ms. DeGuilio-Fox soon after the Thanksgiving holiday to further their discussions. Once the developer creates a concept rendering the Commissioners may discuss the idea as a potential project or not.
6. **Highland Main Street – Restaurant Crawl:** Director DeGuilio-Fox reminded everyone that the November Restaurant Crawl was taking place as they met and encouraged Commissioners to participate after the meeting if they hadn't already. The menu items for the Crawl were provided in the commissioner's meeting packet.
7. **Redevelopment Commissioner Comments:**
 - a. Commissioner Huerter asked about selling the Jewett Street building to SIP to get Redevelopment out of the landlord business. Ms. DeGuilio-Fox pointed out that in order to sell that building a public offering would be required. This was confirmed by Attorney Reed. Ms. DeGuilio-Fox also advised she felt that there would be few to no proposals received for numerous reasons including the age of the building. She also advised she would be hesitant to prepare a public offering for the property considering the amount of work that goes into preparing an offering and the high potential of not receiving any offers. Discussion ensued.
 - b. The Commissioners were advised that the Green Witch has been attempting to sell her business however without success. Ms. DeGuilio-Fox offered that she has been talking with a couple who would like to lease the space the Green Witch is in however the landlord has asked they wait until it is vacated to further discuss a new lease. Discussion ensued.
 - c. Commission Reinhart advised that Brumm's Bloomin' Barn had just announced they plan to close their business. Discussion ensued.

There being no further business the November 24, 2020 study session of the Highland Redevelopment Commission was adjourned at 7:37 P.M.

Respectfully submitted by Kathy DeGuilio-Fox, Recording Secretary.

**HIGHLAND REDEVELOPMENT COMMISSION
PLENARY MEETING MINUTES
TUESDAY, NOVEMBER 24, 2020**

The Highland Redevelopment Commission ("Commission", "RC") met in an electronically convened meeting using the Zoom platform. The meeting was convened as an electronic meeting pursuant to Governor Eric Holcomb's Executive Order 20-04, 20-09 and 20-25 now extended through 12 December 2020 by his Order 20-48, allowing such meetings pursuant to IC 5-14-1.5-3.6 for the duration of the COVID-19 emergency. The Plenary Business Meeting was called to order at 7:37 p.m. by Commission President Cyril (Cy) Huerter.

Minutes were prepared by Kathy DeGuilio-Fox, Redevelopment Director and Recording Secretary.

Roll Call: Commissioners present included Jack Havlin, Cyril Huerter, Renee Reinhart and Tony Washick. Commissioner Robyn Radford was absent. A quorum was established.

Additional Officials Present: Patrick Krull, School Town of Highland liaison and no-voting member; Roger Sheeman, Town Council Liaison to the Redevelopment Commission; John Reed, Redevelopment attorney, Abrahamson, Reed & Bilse; Ed Dabrowski, IT Consultant and Kathy DeGuilio-Fox, Redevelopment Director.

Also Present: There were no additional attendees identified.

Minutes of the Previous Sessions: Commission President Cy Huerter called for a motion to approve minutes. Commissioner Jack Havlin moved to approve the minutes of the Study Session and Plenary Business meeting of October 27, 2020 and the minutes of the November 10, 2020 Study Session. Commissioner Renee Reinhart seconded the motion. There being no discussion, Commission President called for a roll call vote. Upon a roll call vote, the motion passed. The minutes of the Study Session and Plenary Business meeting of October 27, 2020 and the minutes of the November 10, 2020 Study Session were approved by a voice vote of four affirmatives and no negatives.

Special Orders: None

Public Comment: None

Communications: None

Unfinished Business and General Orders: None

New Business:

1. **Consideration of Proposals for Disposition of Property Located at 2605 and 2606 Garfield Avenue and 2605 and 2609 Condit Street in Highland Indiana:**
 - a. **Attorney Verification of Proof of Publication:** Attorney Reed verified that proofs of publication were in order.
 - b. **Opening of Proposals for Disposition of Property:** No proposals were received for purchase and development of the property.
 - c. **Review of Proposals for Disposition of Property:** Review was not required due to receiving no proposals.
 - d. **Selection of Complying Proposal for Disposition of Property:** There were no proposals received therefore no selection was made.

Having received no proposals for development of the properties the Redevelopment Commission agreed that they would like to discuss further the disposition of the properties at a future appropriate date.

2. **Consideration of Resolution 2020-27: Resolution of the Highland Redevelopment Commission to Adopt and Authorize a Declaration of Environmental Covenants, Conditions and Restrictions:** Director DeGuilio-Fox provided a brief overview of the purpose and necessity of the environmental covenants for the former Bult Oil Property. Attorney John Reed confirmed and further explained the purpose of the document. Discussion ensued. Having duly considered Resolution 2020-27 and there being no further discussion, Commission President Cy Huerter called for a motion to approve. Commissioner Jack Havlin made a motion to adopt and authorize Resolution 2020-27. Commissioner Tony Washick seconded the motion. There was no further discussion. Commission President Cy Huerter called for a roll call vote. Upon a roll call vote the motion passed by a voice vote of four affirmatives and no negatives.
3. **Approval of Highland Redevelopment Commission Downtown Parking Lot Renovation Change Order Number 9:** Commissioner Huerter asked if the commissioners had any questions regarding Change Order Numbers 9. Having discussed the change order and there being no further comments, Commissioner Huerter called for a motion to approve Change Order Number 9 as identified on the agenda. Commissioner Renee Reinhart made a motion to approve the Change Order Number 9 as presented. Commissioner Havlin seconded the motion. There being no further discussion Commission President Cy Huerter called for a roll call vote. Upon a roll call vote the motion passed by a voice vote of four affirmatives and no negatives.
4. **Consideration of Resolution 2020-28: Resolution of the Highland Redevelopment Commission to Accept the Proposal of Chicago Light Works for the Downtown Luminaire Replacement Project.** A brief review of the information provided by Derek Snyder was conducted. Commissioners also considered the recommendation of Director DeGuilio-Fox to reject Resolution 2020-28 and briefly discussed the Special Purchasing law that allowed them to take such action. There being no further discussion Commission President Cy Huerter called for a motion in consideration of Resolution 2020-28. Commissioner Washick moved to reject Resolution 2020-28. Commissioner Havlin seconded the motion. There was no further discussion and Commission President Huerter called for a roll call vote. Upon a roll call vote the motion passed by a voice vote of four affirmatives and no negatives.

Action to Pay Accounts Payable Vouchers: Commissioner Havlin made a motion to pay accounts payable vouchers as filed on the pending accounts payable docket, covering the period October 29, 2020 through November 25, 2020 and the payroll dockets for October 23, 2020 and November 6, 2020 as presented, in the amount of \$239,264.10. Commissioner Reinhart seconded the motion to approve the Accounts Payable Vouchers. There being no further discussion Commission President Huerter called for a roll call vote. Upon a roll call vote the motion passed with four affirmatives and no negatives.

Vendors Accounts Payable Docket:

Redevelopment General Fund, \$11,522.00; Highland Economic Development, \$0.00; Redevelopment Capital Fund, \$18,953.28; Downtown Redevelopment District Allocation Area, \$202,296.15; Redevelopment Bond & Interest, \$0.00; CEDIT Economic Development Income Tax Fund, \$6,492.67 and Cardinal Campus Allocation Area, \$0. Total: \$239,264.10.

**Payroll Docket for Payday of October 23, 2020 and November 6, 2020: Redevelopment
Department: Total Payroll: \$8009.60.**

Business from the Commissioners: Commission President Huerter asked if there was any business from the commissioners. There was none.

Next Meeting: President Huerter advised that the next Study Session is scheduled for Tuesday, December 8, 2020 and will convene at 7:00 PM. The next Plenary Business Meeting is scheduled for Tuesday, December 15, 2020 immediately following the study session. A Study Session will reconvene following the public meeting, if deemed necessary. The next meeting of the Highland Main Street is scheduled to convene on Thursday, December 3, 2020 at 6:30 p.m. Due to the Executive Orders issued by Governor Holcomb in response to the COVID-19 pandemic, a decision will be made as to whether meetings will be convened electronically or if the opening of the Town Hall will allow for a public meeting to be held in Council Chambers.

Adjournment: There being no further business, Commission President Huerter called for a motion to adjourn. Commissioner Havlin made a motion to adjourn. Commissioner Washick seconded the motion. Upon a roll call vote the motion passed by a voice vote of four affirmatives and no negatives. The November 24, 2020 public meeting of the Highland Redevelopment Commission was adjourned at 8:02 p.m.

Respectfully submitted by Kathy DeGuilio-Fox, Recording Secretary

TOWN OF HIGHLAND
HIGHLAND REDEVELOPMENT COMMISSION

RESOLUTION 2020-27

RESOLUTION OF THE HIGHLAND REDEVELOPMENT
COMMISSION TO ADOPT AND AUTHORIZE A DECLARATION OF
ENVIRONMENTAL COVENANTS, CONDITIONS AND RESTRICTIONS

Whereas, the Highland Redevelopment Commission (the "Commission"), as the governing body for the Highland Redevelopment Department (the "Department"), pursuant to Indiana Code 36-7-14, as amended (the "Act"), has established the Highland Downtown Redevelopment Area (the "Economic Revitalization Area"), as an economic development area pursuant to Section 41 of the Act; and

Whereas, the Commission desires to dispose of certain property as described in Exhibit A hereto (the "Description of Property") pursuant to the terms of an Offering Sheet substantially in the form set forth in Exhibit B hereto; and

Whereas, pursuant to Section 22 of the Act, the Commission has caused to be published in accordance with law a request for proposals in an effort to dispose of the Property; and

Whereas, the Commission has obtained appraisals for the Property in accordance with Section 22(b) of the Act; and

Whereas, the Commission desires to cause a Declaration of Environmental Covenants, Conditions, and Restrictions to be incorporated in and made a part of the property records in the Office of the Recorder of Lake County, State of Indiana.

NOW, THEREFORE, BE IT RESOLVED by the Highland Redevelopment Commission, that:

1. The Commission hereby adopts and authorizes the Declaration of Environmental Covenants, Conditions and Restrictions as presented this day, and approves the execution of same by the President, Secretary, and Redevelopment Director.
2. The Commission hereby directs the Redevelopment Director to cause to be filed the Declaration of Environmental Covenants, Conditions and Restrictions in the Office of the Recorder of Lake County, State of Indiana.
3. This Resolution shall take effect immediately upon its adoption by the Commission.

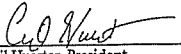
Page 1 of 2

EXHIBIT B
OFFERING SHEET

(See Attached)

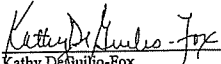
DULY RESOLVED AND ADOPTED by the Redevelopment Commission of the Town of Highland, Lake County, Indiana this 24th day of November, 2020 having passed by a vote of 4 affirmatives and 0 negatives

REDEVELOPMENT COMMISSION of the
TOWN OF HIGHLAND, LAKE COUNTY, INDIANA


Cyril Huertter, President

ATTEST:


Renee Reinhart, Secretary


Kathy DeGuilfo-Fox
Director of Redevelopment

December 2, 2020
Date

Page 2 of 2

HIGHLAND REDEVELOPMENT COMMISSION
TOWN OF HIGHLAND, LAKE COUNTY, INDIANA

OFFERING SHEET

The Highland Redevelopment Commission (the "Commission") is offering the property in Appendix A hereto (the "Offered Property") for sale to the successful bidder.

The bidder or bidders shall prepare a bid for the purchase of all of the Offered Property. The following terms and conditions apply to the bids:

Minimum Offering Price: Each bid must propose a purchase price of not less than \$137,500.00.

Required Uses: Commitments by bidder to undertake the following:

1. Investment of at least \$1 million in improvements on the real estate by the end of 2021.
2. Creation of at least 10 new full-time jobs by the end of 2021 at an average compensation rate per job of at least \$16.00 per hour.

Conditions of Bid Acceptance:

The Commission will publicly open all written offers, and the bid price will be read aloud and the bidders general plan will then be read on Tuesday, November 24, 2020. The Commission will then review all proposals and make an award or reject all offers. Bid proposals must meet the following conditions:

- a) The successful bidder must propose the development of the Offered Property for a facility acceptable to the Commission.
- b) The successful bidder must propose the development of the Offered property for a facility acceptable to the Commission and contingent on Plan Commission and Board of Zoning appeals approvals.
- c) No proposal will be eligible for consideration that does not meet the minimum offering price.

Conditions to Closing:

The Commission's obligation to convey the Offered Property to the successful bidder is subject to the following conditions:

- a) Payment of the full purchase price for the Offered Property by the successful bidder at closing.
- b) All agreement will be subject to review by attorneys for the Commission and the Town of Highland to assure compliance with all applicable laws and agreement to which the Commission and Town of Highland are subject.

NOW THEREFORE, Owner subjects the Real Estate to the following restrictions and provisions, which shall be binding on the current Owner and all future Owners:

I. RESTRICTIONS

- 1. Restrictions. The Owner:
(a) Shall not use or allow the use of the Real Estate for residential purposes, including, but not limited to, daily child care facilities or educational facilities for children or the elderly...
(b) Shall not use or allow the use or extraction of groundwater at the Real Estate for any purpose, including, but not limited to: human or animal consumption, gardening, industrial processes, or agriculture...
(c) Shall not use the Real Estate for any agricultural use.
(d) Shall restore soil disturbed as a result of excavation and construction activities in such a manner that the remaining contaminant concentrations do not present a threat to human health or the environment...
(e) Prior to the change in use of the site or, construction of new structures to be occupied by persons at the Real Estate, the current Owner of the Real Estate shall confirm there is no unacceptable exposure risk due to vapor migration in accordance with then-applicable agency guidance, regulation, or law.

II. GENERAL PROVISIONS

- 2. Restrictions to Run with the Land. The restrictions and other requirements described in this Covenant shall run with the land and be binding upon, and inure to the benefit of the Owner of the Real Estate and the Owner's successors, assignees, heirs and lessees and their authorized agents, employees, contractors, representatives, agents, licensees, invitees, guests, or persons acting under their direction or control...
3. Binding upon Future Owners. By taking title to an interest in or occupancy of the Real Estate, any subsequent Owner or Related Party agrees to comply with all of the restrictions set forth in paragraph 1 above and with all other terms of this Covenant.
4. Access for IDEM. The Owner shall grant to the IDEM and its designated representatives the right to enter upon the Real Estate at reasonable times for the purpose of monitoring

DECLARATION OF ENVIRONMENTAL COVENANTS, CONDITIONS, AND RESTRICTIONS

THIS DECLARATION OF ENVIRONMENTAL COVENANTS, CONDITIONS, AND RESTRICTIONS ("Covenant") is made this 24th day of November, 2020, by The Town of Highland Redevelopment Commission ("Owner").

RECITALS:

WHEREAS: Owner is the fee simple owner of certain real estate in the County of Lake, State of Indiana, Town of Highland, to wit:

Parcel 1
Legal Description: REDIV. OF BL.1 & BL.9 OF ORIG. TOWN OF HIGHLAND L.1 BL.1 & N1/2 VAC. ALLEY ADJ.

Common Address: 2605 GARFIELD AVE., HIGHLAND, IN 46322

Parcel ID: 45-07-21-327-001.000-026

Parcel 2
Legal Description: REDIV. OF BL.1 & BL.9 OF ORIG. TOWN OF HIGHLAND L.2 & N1/2 VAC. ALLEY ADJ. & W. 39FT OF LOT 3 BL.1 AND N1/2 VAC. ALLEY ADJ.

Common Address: 2605 GARFIELD AVE., HIGHLAND, IN 46322

Parcel ID: 45-07-21-327-002.000-026

Parcel 3
Legal Description: REDIV. OF BL.1 & BL.9 OF ORIG. TOWN OF HIGHLAND W. 39FT OF LOT 11 & ALL LOTS 12 BL.1 & S1/2 VAC. ALLEY ADJ.

Common Address: 2609 CONDIS AVE., HIGHLAND, IN 46322

Parcel ID: 45-07-21-327-007.000-026

Parcel 4
Legal Description: REDIV. OF BL.1 & BL.9 OF ORIG. TOWN OF HIGHLAND AND L.13 BL.1 & S1/2 VAC. ALLEY ADJ.

Common Address: 2605 CONDIS AVE., HIGHLAND, IN 46322

Parcel ID: 45-07-21-327-006.000-026

the ("Real Estate"), which is hereby incorporated and made a part hereof. This Real Estate was acquired by Commissioner's Quit-Claim Deed recorded on January 9, 2007, as Deed Record 2007 002001, in the Office of the Recorder of Lake County, State of Indiana. The Real Estate consists of approximately 0.812 acres. The Real Estate, to which the restrictions in this Covenant apply, is depicted on a map attached hereto as Exhibit A, and

WHEREAS: Certain contaminants of concern ("COCs") may remain in the soil and groundwater of the Real Estate following completion of prior corrective action(s), and

WHEREAS: Environmental investigation reports and other related documents are hereby incorporated by reference and may be examined at the offices of the Highland Redevelopment Commission, which is located at 3333 Ridge Road, Highland, Indiana 46322.

compliance with this Covenant and ensuring its protectiveness; this right includes the right to take samples and inspect records.

- 5. Written Notice of the Presence of Contamination. Owner agrees to include in any instrument conveying any interest in any portion of the Real Estate, including but not limited to deeds, leases and subleases (excluding mortgages, liens, similar financing interests, and other non-possessionary encumbrances), the following notice provision (with blanks to be filled in):

NOTICE: THE INTEREST CONVEYED HEREBY IS SUBJECT TO AN ENVIRONMENTAL RESTRICTIVE COVENANT, DATED NOVEMBER 2020, RECORDED IN THE OFFICE OF THE RECORDER OF LAKE COUNTY ON NOVEMBER 2020, AS INSTRUMENT NUMBER IN FAVOR OF AND ENFORCEABLE BY THE TOWN OF HIGHLAND REDEVELOPMENT COMMISSION AND OR THE INDIANA IDEM OF ENVIRONMENTAL MANAGEMENT.

- 6. Notice to IDEM of the Conveyance of Property. Owner agrees to provide notice to the IDEM of any conveyance (voluntary or involuntary) of any ownership interest in the Real Estate (excluding mortgages, liens, similar financing interests, and other non-possessionary encumbrances). Owner must provide the IDEM with the notice within thirty (30) days of the conveyance and: (a) include a certified copy of the instrument conveying any interest in any portion of the Real Estate, and (b) if it has been recorded, its recording reference, and (c) the name and business address of the transferee.

- 7. Indiana Law. This Covenant shall be governed by, and shall be construed and enforced according to, the laws of the State of Indiana.

III. ENFORCEMENT

- 8. Enforcement. Pursuant to IC 13-14-2-6 and other applicable law, the Owner and/or the Indiana IDEM of Environmental Management ("IDEM") may proceed in court by appropriate action to enforce this Covenant. Damages alone are insufficient to compensate Owner and/or IDEM if any Owner, current or future, of the Real Estate or its Related Parties breach this Covenant or otherwise default hereunder. As a result, if any owner of the Real Estate, or any owner's Related Parties, breach this Covenant or otherwise default hereunder, Owner and/or IDEM shall have the right to request specific performance and/or immediate injunctive relief to enforce this Covenant in addition to any other remedies it may have at law or at equity. Owner agrees that the provisions of this Covenant are enforceable and agrees not to challenge the provisions or the appropriate court's jurisdiction.

IV. TERM, MODIFICATION AND TERMINATION

- 9. Term. The restrictions shall apply until the Owner and/or IDEM determines that the contaminants of concern no longer present an unacceptable risk to the public health, safety, or welfare, or to the environment.

- 10. Modification and Termination. This Covenant shall not be amended, modified, or terminated without the Owner's and IDEM's prior written approval. Within thirty (30) days of executing an amendment, modification, or termination of the Covenant, Owner shall record such amendment, modification, or termination with the Office of the Recorder of Lake County and, within thirty (30) days after recording, provide a true copy of the recorded amendment, modification, or termination to the Owner and IDEM.

V. MISCELLANEOUS

- 11. Waiver. No failure on the part of Owner and/or IDEM at any time to require performance by any person of any term of this Covenant shall be taken or held to be a waiver of such term or in any way affect the Owner's and/or IDEM's right to enforce such term, and no waiver on the part of the Owner and/or IDEM of any term hereof shall be taken or held to

be a waiver of any other term hereof or the breach thereof.

- 12. Conflict of and Compliance with Laws. If any provision of this Covenant is also the subject of any law or regulation established by any federal, state, or local government, the strictest standard or requirement shall apply. Compliance with this Covenant does not relieve the Owner of its obligation to comply with any other applicable laws.

- 13. Change in Law, Policy or Regulation. In no event shall this Covenant be rendered unenforceable if Indiana's laws, regulations, guidance, or remediation policies (including those concerning environmental restrictive covenants, or institutional or engineering controls) change as to form or content. All statutory references include any successor provisions.

- 14. Notices. Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other pursuant to this Covenant shall be in writing and shall either be served personally or sent by first class mail, postage prepaid, addressed as follows:

To Owner:

Highland Redevelopment Commission
ATTN: Director
3333 Ridge Road
Highland, Indiana 46322

To IDEM:

IDEM, Office of Land Quality
100 N. Senate Avenue
IGCN 1101
Indianapolis, IN 46204-2251
Attn: Chief Petroleum Remediation Program

An Owner may change its address or the individual to whose attention a notice is to be sent by giving written notice via certified mail.

- 15. Severability. If any portion of this Covenant or other term set forth herein is determined by a court of competent jurisdiction to be invalid for any reason, the surviving portions or terms of this Covenant shall remain in full force and effect as if such portion found invalid had not been included herein.

- 16. Authority to Execute and Record. The undersigned person executing this Covenant represents that he or she is the current fee Owner of the Real Estate or is the authorized representative of the Owner, and further represents and certifies that he or she is duly authorized and fully empowered to execute and record, or have recorded, this Covenant.

Owner hereby attests to the accuracy of the statements in this document and all attachments.

IN WITNESS WHEREOF, the said Owner of the Real Estate described above has caused this Covenant to be executed on this 24th day of November, 2020.

Cyril Kufferer, President, Town of Highland Redevelopment Commission

Kathy Degilio-Fox, Director, Town of Highland Redevelopment Commission

[Signature]
Renee Reinhart, Secretary, Town of Highland
Redevelopment Commission

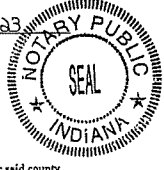
Lance E. Ryskamp
Witness Signature
LANCE E. RYSKAMP
Witness Printed

STATE OF INDIANA)
)SS:
COUNTY OF LAKE)

On this 2 day of December, 2020, before me, a Notary Public in and for said county, personally appeared Cyril Huotter, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as his own free act and deed.

Notary Public: Denise Beck My commission expires: 5-28-23

Signature: [Signature]

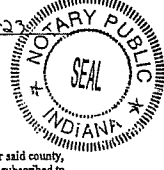


STATE OF INDIANA)
)SS:
COUNTY OF LAKE)

On this 2 day of November, 2020, before me, a Notary Public in and for said county, personally appeared Kathy Degullio-Fox, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as his own free act and deed.

Notary Public: Denise Beck My commission expires: 5-28-23

Signature: [Signature]



STATE OF INDIANA)
)SS:
COUNTY OF LAKE)

On this 2 day of December, 2020, before me, a Notary Public in and for said county, personally appeared Renee Reinhart, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as his own free act and deed.

Notary Public: Denise Beck My commission expires: 5-28-23

Signature: [Signature]



STATE OF INDIANA)
)SS:
COUNTY OF LAKE)

On this ___ day of November, 2020, before me, a Notary Public in and for said county, personally appeared _____ (Witness) known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as his own free act and deed.

Notary Public: _____ My commission expires: _____

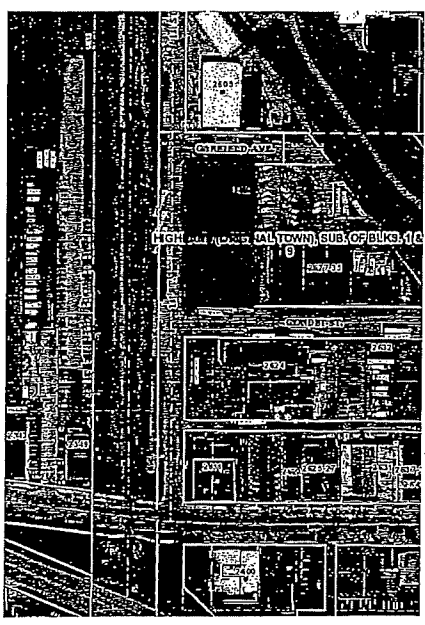
Signature: _____

This instrument prepared by: John F. Reed, Atty. No. 20328-45, Abrahamson, Reed & Bilse, 8230 Hohman Avenue, Munster, Indiana 46321

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

John F. Reed, Esq.

EXHIBIT A
GENERAL MAP OF REAL ESTATE



RESOLUTION 2020-28

**A RESOLUTION OF THE HIGHLAND REDEVELOPMENT COMMISSION
ACCEPTING THE PROPOSAL OF HOLOPHANE FOR THE
DOWNTOWN LUMINAIRE REPLACEMENT PROJECT
BEING THE LOWEST RESPONSIVE AND RESPONSIBLE BID IN THE AMOUNT OF
NINETY-NINE THOUSAND SIX HUNDRED DOLLARS
AND 00/100 CENTS (\$99,600.00)**

Whereas, The Redevelopment Commission of the Town of Highland, Indiana (“The Redevelopment Commission”) is authorized to undertake redevelopment activities under IC 36-7-14 (the “Act”) and more specifically Section 39 for which public money may be spent and private property may be acquired; and

Whereas, Redevelopment activities include performing all acts incident to the statutory powers and duties of a Redevelopment Commission; and

Whereas, The Redevelopment Commission is authorized to negotiate and enter into contracts pursuant to the Act; and

Whereas, a grant in the amount of \$40,000.00 has been awarded the Highland Redevelopment Commission by the Indiana Office of Energy Development in support of the Downtown Luminaire Replacement Project; and

Whereas, the following proposals were received by the Highland Redevelopment Office:

	<u>Bidder</u>	<u>Base Bid</u>
1.	Holophane	\$ 99,600.00
2.	Chicago LightWorks	\$105,600.00
3.	EMCOR Hyre - Option 1	\$104,580.00
4.	EMCOR Hyre – Option 2	\$110,880.00

Whereas, the Director of Redevelopment has reviewed the bids and determined that the bid of Holophane, in the amount of Ninety-Nine Thousand Six Hundred Dollars and 00/100 Cents (\$99,600.00), to be the lowest responsive and responsible bid; and

Whereas, there are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 36-7-14 (the “Act”) and more specifically Section 39; and

Whereas, the Town of Highland, through its Redevelopment Commission, now desires to accept the recommendation of the Redevelopment Director and award a construction contract to Chicago LightWorks for the Downtown Luminaire Replacement Project.


NOW, THEREFORE, BE IT RESOLVED by the Highland Redevelopment Commission of the Town of Highland, Lake County, Indiana as follows:

1. The prefatory statements set forth above are incorporated herein as if set forth at length.

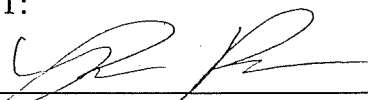
2. The Redevelopment Commission finds and determines that it will be of public utility and benefit to replace one hundred twenty (120) downtown luminaire fixtures as a redevelopment activity that will increase lighting and create a more walkable downtown.
3. The Redevelopment Commission hereby finds that the bid of Holophane for the Downtown Luminaire Replacement Project in the amount of Ninety-Nine Thousand Six Hundred Dollars and 00/100 Cents (\$99,600.00) is hereby accepted as the lowest responsive and responsible bid.
4. Further, the Redevelopment Director and President of the Highland Redevelopment Commission are hereby authorized to execute the agreement and all documents necessary to implement the project.
5. This resolution shall be in full force and effect after its passage and adoption by the Redevelopment Commission.

DULY PASSED AND RESOLVED by the Redevelopment Commission of the Town of Highland, Lake County, Indiana, this 24th day of November, 2020 having passed by a vote of 0 in favor and 4 opposed.

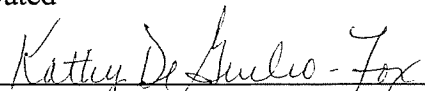
REDEVELOPMENT COMMISSION of the
TOWN OF HIGHLAND, INDIANA

By: 
Cyril Huerter, President

ATTEST:

By: 
Renee Reinhart, Secretary

December 2, 2020
Dated

By: 
Kathy DeGuilio-Fox, Redevelopment Director
Town of Highland Department of Redevelopment

November 24, 2020
Dated

Resolution 2020-28_Adopted 11-24-20

11/16/2020 08:20 AM
 User: DMJ
 DB: Highland

INVOICE GL DISTRIBUTION REPORT FOR TOWN OF HIGHLAND
 EXP CHECK RUN DATES 10/29/2020 - 11/25/2020
 BOTH JOURNALIZED AND UNJOURNALIZED
 BOTH OPEN AND PAID

Invoice Line Desc Ref # Vendor Invoice Description Amount Check #

Fund 094 REDEVELOPMENT GENERAL	Dept 0000	Legal Fees- SEPTEMBER	89488	ABRAMSON, REED & BLISE	LEGAL FEES- SEPTEMBER	475.00	✓
		LEGAL FEES- OCTOBER	89489	ABRAMSON, REED & BLISE	LEGAL FEES- OCTOBER	266.00	✓
		GENERAL ENGINEERING SERVICES	89492	NILES ENGINEERING, INC.	GENERAL ENGINEERING SERVICES	342.93	✓
		UTILITIES- 2811 JEWETT	89493	NORTHERN IN PUBLIC SERVICE	UTILITIES- 2811 JEWETT	161.45	✓
		UTILITIES- 2821 JEWETT	89494	NORTHERN IN PUBLIC SERVICE	UTILITIES- 2821 JEWETT	113.77	✓
		STORM- 8620 KENNEDY	89495	TOWN OF HIGHLAND UTILITIES	STORM- 8620 KENNEDY	40.67	✓
		STORM-8618 KENNEDY	89497	TOWN OF HIGHLAND UTILITIES	STORM- 8618 KENNEDY	40.67	✓
		STORM- 8612 KENNEDY	89498	TOWN OF HIGHLAND UTILITIES	STORM- 8612 KENNEDY	10.14	✓
		STORM- 8610 KENNEDY	89499	TOWN OF HIGHLAND UTILITIES	STORM- 8610 KENNEDY	10.14	✓
		STORM-2605 CONDIT	89500	TOWN OF HIGHLAND UTILITIES	STORM- 2605 CONDIT	10.14	✓
		REDEVELOP GEN TRANSFER GROSS	89154	PAYROLL ACCOUNT	10/23PRL D/S TRANSFER REDEVELOPME	5,169.08	✓ 31082
		REDEVELOP GEN TRANSFER GROSS	89256	PAYROLL ACCOUNT	11/6PRL D/S TRANSFER REDEVELOPME	4,882.11	✓ 31108
		Total for Dept 0000				11,522.00	
		Total for Fund 094 REDEVELOPMENT GENERAL				11,522.00	

Fund 096 REDEVELOPMENT CAPITAL	Dept 0000	GRANT WRITING SERVICES	89495	SOUTH SHORE CLEAN CITIES	GRANT WRITING SERVICES	1,500.00	✓
		DOWNTOWN RAIN GARDEN	89490 <th>DEAN'S LAWN & LANDSCAPING I</th> <th>DOWNTOWN RAIN GARDEN</th> <th>17,453.28</th> <th>✓</th>	DEAN'S LAWN & LANDSCAPING I	DOWNTOWN RAIN GARDEN	17,453.28	✓
		Total for Dept 0000				18,953.28	
		Total for Fund 096 REDEVELOPMENT CAPITAL				18,953.28	

Fund 098 DOWNTOWN REDEV DISTRICT ALLOC	Dept 0000	DOWNTOWN CONSTRUCTION INVOICE	89491	GRIMMER CONSTRUCTION	DOWNTOWN CONSTRUCTION INVOICE. 2	202,296.15	✓
		Total for Dept 0000				202,296.15	
		Total for Fund 098 DOWNTOWN REDEV DISTRICT ALLOC				202,296.15	

Fund 250 CREDIT ECON. DEV. INCOME TAX FUND	Dept 0000	DP DEPOT SIGN MATERIALS	89502	HOME DEPOT (R)	DP DEPOT SIGN MATERIALS	135.21	✓
		DP DEPOT SIGN SUPPLIES	89501	MENARDS	DP DEPOT SIGN SUPPLIES	19.76	✓
		ENGINEERING SERVICES	89503	WEAVER HOLDINGS, LLC	ENGINEERING SERVICES	6,337.70	✓
		Total for Dept 0000				6,492.67	
		Total for Fund 250 CREDIT ECON. DEV. INCOME TAX FUND				6,492.67	

11/16/2020 08:20 AM

User: DMJ
DB: Highland

INVOICE GL DISTRIBUTION REPORT FOR TOWN OF HIGHLAND

EXP CHECK RUN DATES 10/29/2020 - 11/25/2020
BOTH JOURNALIZED AND UNJOURNALIZED

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GL Number	Invoice Line Desc	Ref #	Vendor	Invoice Description	Amount	Check #
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Fund Totals:

Fund 094 REDEVELOPMENT GENERAL	11,522.00
Fund 096 REDEVELOPMENT CAPITAL	18,953.28
Fund 098 DOWNTOWN REDEV DISTRICT	202,286.15
Fund 250 CREDIT ECON. DEV. INCOME	6,492.67

239,264.10 ✓