

## Redevelopment Commission

### LAPORTE COUNTY REDEVELOPMENT COMMISSION MEETING AGENDA WEDNESDAY, July 29, 2020, 4:00 P.M.

#### AMENDED NOTICE TO INCLUDE NOTIFICATION OF ELECTRONIC PARTICIPATION AND TO ALLOW THE PUBLIC TO ATTEND ELECTRONICALLY PURSUANT TO STATE EXECUTIVE ORDER.

If any member of the public wishes to attend the meeting electronically, the meeting will be available on Zoom, which can be accessed for free on the internet at <https://zoom.us/> and then click the "Join a Meeting" tab followed by the meeting ID 996 5013 7292 password is 655630. You can also download the free Zoom app to your smartphone and join the meeting via the app.

1. Call the meeting to order.
2. Pledge of Allegiance
3. Roll call
4. Approval of the agenda
5. Public comment
6. Communications
7. Minutes
8. Treasurer's report
9. Claims/Docket:

<u>TIF</u>	<u>VENDOR NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>TOTALS</u>
KIDC	Thomas & Associates	June '20 Professional Services	\$1,517.75	
	MCR Partners	July '20 Professional Serv	\$3,000.00	
	Herald Argus	June '20 Legal Notice Publication	\$25.06	
	Barnes & Thornburg	Legal Services/Inv#2356164	\$3,507.50	
	Friedman & Associates	June '20 Legal Services/Inv#10551	\$1,812.00	
	Friedman & Associates	July '20 Legal Services	\$1,500.00	
	Redevelopment Association of IN	Annual Dues	\$62.50	
		<b>Subtotal</b>		\$11,424.81
US421#1	Thomas & Associates	June '20 Professional Services	\$1,517.75	
	MCR Partners	July '20 Professional Serv	\$2,000.00	
	Herald Argus	June '20 Legal Notice Publication	\$25.06	
	Redevelopment Association of IN	Annual Dues	\$62.50	
		<b>Subtotal</b>		\$3,605.31
39 North	MCR Partners	July '20 Professional Services	\$1,000.00	
			<b>Subtotal</b>	<u>\$1,000.00</u>
			<b>TOTAL OF CLAIMS</b>	<u>\$16,030.12</u>

10. Old Business:

- A. 421/194 TIF Project Update- Matt Reardon; MCR
- B. KIP update- Matt Reardon; MCR
- C. 39N. update- Matt Reardon; MCR

11. New Business:

- A. Construction Rail Committee Report/ Consideration of KIP Rail Request for Proposals/approval and authorization to advertise – Matt Reardon; MCR

12. Other Business:

13. Adjourn

# LA PORTE COUNTY REDEVELOPMENT COMMISSION MEETING MINUTES

June 24, 2020

**AMENDED NOTICE TO INCLUDE NOTIFICATION OF ELECTRONIC PARTICIPATION AND TO ALLOW THE PUBLIC TO ATTEND ELECTRONICALLY PURSUANT TO STATE EXECUTIVE ORDER 20-04 .The below meeting of the LaPorte County Redevelopment Commissioners ("RDC) was previously noticed per I.C. 5-14-1.5-5, however, this amended notice is to further advise the public that pursuant to Executive Order 20-04 issued by Governor Eric J. Holcomb, if any member of the public does attend the meeting in person, social distancing and Executive Order guidelines on gatherings (no more than 50) shall be observed and enforced. Per State Executive Order 20-04, only one member of the Board may be physically present and only essential matters will be discussed at the meeting.**

If any member of the public wishes to attend the meeting electronically, the meeting will be available on Zoom, which can be accessed for free on the internet at <https://zoom.us/> and then click the "Join a Meeting" tab followed by the meeting ID 917 7159 0317, Password 900782. You can also download the free Zoom app to your smartphone and join the meeting via the app

The La Porte County Redevelopment Commission Zoom meeting was held on Wednesday, June 24, 2020 at 4 P.M. (CDT) in the Assembly Room #3 of the La Porte County Government Complex, 809 State Street, La Porte, IN 46350.

## **CALL TO ORDER**

Meeting called to order by President Randy Novak, at 4:03 P.M.

## **PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was led by President Randy Novak.

## **ROLL CALL**

Randy Novak – Present

Joe Coar – Present

Dr. Vidya Kora – Present

Terry Larson – Present

Scott Cooley – Present

Michael Mollenhauer – Present

Michael Rosenbaum – Present

Jan Ribordy, Ex-Officio – Present

Others Present: Attorney Shaw Friedman, Matt Reardon; MCR Partners, Tony Rodriguez; Office Community and Economic Development, Michael Bergersen Jr., and Mary Jane Thomas; Thomas & Associates.

# LA PORTE COUNTY REDEVELOPMENT COMMISSION MEETING MINUTES

June 24, 2020

## APPROVAL OF THE AGENDA

Joe Coar motioned to approve the agenda as presented. Scott Cooley seconded the motion. The motion carried unanimously.

## PUBLIC COMMENT

None

## COMMUNICATIONS

None

## APPROVAL OF MINUTES

Joe Coar motioned to approve the May 27, 2020 monthly meeting minutes as presented. Scott Cooley seconded the motion. The motion carried unanimously.

## TREASURER'S REPORT

The TIF fund balances reported:

KIP - \$174,166.06

421/I94 Area 1 - \$303,650.17

421/I94 Area 2 - \$246,594.13

39 N - \$72,396.55

Dr. Vidya Kora motioned to approve the Treasurer's Report as presented. Joe Coar seconded the motion. The motion carried unanimously.

## CLAIMS

<u>TIF</u>	<u>VENDOR NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>TOTALS</u>
KIDC	Thomas & Associates	May '20 Professional Services	\$809.25	
	MCR Partners	June '20 Professional Serv	\$3,000.00	
	Herald Argus	May '20 Legal Notice Publication	\$26.23	
	Barnes & Thornburg	Legal Services/2349155	\$1,368.00	
	Friedman & Associates	May '20 Legal Services/10547	\$924.00	
<b>Subtotal</b>				\$6,127.48
US421#1	Thomas & Associates	May '20 Professional Services	\$809.25	
	MCR Partners	June '20 Professional Serv	\$2,000.00	
	Herald Argus	May '20 Legal Notice Publication	\$26.23	
	Friedman & Associates	June '20 Legal Services	\$1,500.00	
<b>Subtotal</b>				\$4335.48
39 North	MCR Partners	June '20 Professional Services	\$1,000.00	
<b>Subtotal</b>				<u>\$1,000.00</u>
<b>TOTAL OF CLAIMS</b>				<u>\$11,462.96</u>

# LA PORTE COUNTY REDEVELOPMENT COMMISSION MEETING MINUTES

June 24, 2020

President Novak read the claims as presented for payment for the Kingsbury Industrial Park TIF area from the Claim Docket. Dr. Vidya Kora motioned to approve the Kingsbury Industrial Park TIF area claims in the amount of \$6,127.48. Scott Cooley seconded the motion. The motion carried unanimously.

President Novak read the claims as presented for payment for the US 421 #1 TIF area from the Claim Docket. Joe Coar motioned to approve the US 421 #1 TIF area claims in the amount of \$4,335.48. Dr. Vidya Kora seconded the motion. The motion carried unanimously.

President Novak read the claims as presented for payment for the 39 North TIF area from the Claim Docket. Scott Cooley motioned to approve the 39 North TIF area claims in the amount of \$1,000.00. Dr. Vidya Kora seconded the motion. The motion carried unanimously.

## OLD BUSINESS

### **A. 421/I94 TIF Project Update – Matt Reardon; MCR Partner**

Mr. Reardon provided an update on the 421/I94 TIF Project which included that an agreement between TransCanada Pipeline and Love's Travel Center has been made regarding the underground pipeline on the property. Joe Coar asked Mr. Reardon if the TransCanada Pipeline agreement can be shared with property owners that have the same issues with underground pipelines on their property. Mr. Reardon responded 421 Partners, LLC has seemed to be willing to assist in such request. Love's Travel Center has also signed a purchase agreement and will be performing due diligence on the property including site plans until approximately November 2020.

Mr. Reardon stated the engineers estimate for the 421/I94 Water & Sewer improvements is \$4.3 million. Currently, an EDA grant application is being completed to assist with funding the utility improvements. Mr. Reardon added if EDA could assist with 50% of the project cost, that would be good, 80% great, and 0% would be sad. The remainder of the project costs could be derived from TIF bonds with the developer purchasing the bonds to ease the bond process. Mr. Reardon gave thanks to Joe Coar for assisting with discussion with Michigan City.

Mr. Reardon stated the beautification project at 400N & Frontage Rd (southwest corner) can move forward now that the State permit has been issued, although La Porte County does not have ownership of the right-of-way yet. Mr. Reardon thanked Indiana Representative Pressel and Senator Bohacek for their help in this matter.

# LA PORTE COUNTY REDEVELOPMENT COMMISSION MEETING MINUTES

June 24, 2020

President Randy Novak asked if the Redevelopment Commission can request code enforcement to access the area for violations and follow through with clean-up of the area.

## **B. KIP Update – Matt Reardon; MCR Partners**

Mr. Reardon stated there has been renewed interest for rail improvements in Kingsbury Industrial Park (KIP) and expects development agreements from a couple of KIP operators soon. These include interior rail improvements to connect CN and CSX railroads to access points. He continued the IEDC has awarded a reimbursable grant to La Porte County for KIP rail improvements and would reimburse La Porte County, which will reimburse private sector companies for the paid improvement costs. Mr. Reardon added that the La Porte County Construction and Rail Planning Committee and its sub-committees will meet to review the agreements.

Michael Bergersen, Barnes & Thornburg provided an update on the condemnation proceedings for the easement required for the rail improvements in the Kingsbury Industrial Park. Barnes & Thornburg filed in Alevizos's court last week. He added that surveys for easements came up in the title search and the parties have 30 days to respond.

## **C. 39 N Update**

Mr. Reardon stated that an EDA grant application is being completed jointly with the 39 North Conservancy District to request funding for a new water tower which will improve the water pressure in the area. President Randy Novak add the preferred option would be for the City of La Porte to own the water tower since they supply the water. Mr. Reardon stated Mr. Arnold was told the Redevelopment Commission would not support a facility without sufficient fire suppression and the BZA required a variance.

## **D. Update on County Lifeline Grants**

Tony Rodriguez, La Porte County Office of Community and Economic Development Director, provided an update on the County Lifeline Grant Applications received from county businesses negatively affected by COVID-19. He added 99% of the applicants were approved by the Lifeline Grant Review Committee and next will be reviewed by the Office of Community & Rural Affairs (OCRA).

## **NEW BUSINESS**

None

## **OTHER BUSINESS:**

None

LA PORTE COUNTY REDEVELOPMENT COMMISSION MEETING MINUTES

June 24, 2020

**ADJOURNMENT**

Joe Coar motioned to adjourn the meeting at 4:27 P.M. Dr. Vidya Kora seconded the motion. The motion carried unanimously. The next meeting will be held on July 29, 2020.

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Randy Novak  
President

Attest:

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Michael Rosenbaum  
Secretary

## LAPORTE COUNTY REDEVELOPMENT COMMISSION CLAIMS AND ALLOWANCES

La Porte County Redevelopment Commission claims, and allowances will be considered by the La Porte County Redevelopment Commission at their meeting on July 29, 2020:

KIDC Project TIF-\$1,517.75 Thomas & Associates, LLC, June 2020 Professional Services  
KIDC Project TIF-\$3,000.00 MCR Partners, July 2020 Professional Services  
KIDC Project TIF-\$25.06 Herald Argus, legal notice publication, June 2020  
KIDC Project TIF-\$3,507.50 Barnes & Thornburg # 2356164-legal services  
KIDC Project TIF-\$1,812.00 Friedman & Associates, June legal services (#10551)  
KIDC Project TIF-\$1,500.00 Friedman & Associates, July legal services  
KIDC Project TIF-\$62.50 Redevelopment Association of Indiana

I-94/421 Project TIF-\$1,517.75 Thomas & Associates, LLC, June 2020 Professional Services  
I-94/421 Project TIF-\$2,000.00 MCR Partners, July 2020, Professional Services  
I-94/421 Project TIF-\$25.06 Herald Argus, legal notice publication, June 2020  
I-94/421 Project TIF-\$62.50 Redevelopment Association of Indiana

39 N Project TIF-\$1,000.00 MCR Partners, July 2020 Professional Services

Complete details of budget expenditures by fund and /or department may be seen at the La Porte County Auditor's Office.

Please publish one time on Saturday, July 18, 2020 in Herald – Argus and News Dispatch.

Bill: La Porte County Redevelopment Commission C/O Office of Community and Economic Development, 555 Michigan Avenue, Suite #203, La Porte, IN 46351

# THOMAS & ASSOCIATES, LLC

7637 N. KANKAKEE TRAIL  
ROLLING PRAIRIE, IN 46371

Phone: 219-210-1857  
Email: MJTHOMAS2027@gmail.com

**Bill To:** LAPORTE COUNTY OCED  
**Address:** 555 MICHIGAN AVE. SUITE 203  
LAPORTE, INDIANA 46350

Invoice #: 6  
Invoice Date: 7/10/2020

Invoice For: LPCRDC

DATE	Description	HOURS	Unit Price	Price
6/3	Emails Vicki re:RDC claims, reviewed HA invoice, calculated amount due, annual recapture letters filing, updated financial snapshot, phone call with Vicki	0.90	\$ 65.00	\$ 58.50
4-Jun	Responded to Rosenbaum email for resend of docs to sign, scanned all 2020 LPCRDC signed dockets/minutes in response to Vicki's email re:MCR 39N TIF invoices, included MCR PO #'s, MCR 421 EDA project, Rosenbaum re: signature	2.00	\$ 65.00	\$ 130.00
8-Jun	Created/printed May RDC minutes	2.40	\$ 65.00	\$ 156.00
11-Jun	Prepared June LPCRDC 2020 claims / allowances legal ad, peer review of legal notice, printed invoices, emailed to HA/ND for publication, FTE Zoom call, emailed Dr. Kora for signature on TIF Recapture resolution.	3.30	\$ 65.00	\$ 214.50
12-Jun	call Dave Decker CRPC/RDC update/emailed MCR, edited TIF recapture resolution adding executed signature page, emailed to County Auditor, County Planner grants.gov psswrld/created my user acct.	0.90	\$ 65.00	\$ 58.50
14-Jun	Prepared 4 TIF Recapture 2021 letters w/LPCRDC Resolution, scanned, emailed to County Auditor, Deputy Auditor, Bryan Schuch/SEH	1.20	\$ 65.00	\$ 78.00
15-Jun	Delivered 4 TIF 2020 Recapture ltrs to PO for mailing	0.30	\$ 65.00	\$ 19.50
16-Jun	Call MCR re: June mtg. CRPC/LPCRDC agendas, arranged for June ZOOM mtg. as per President, email RDC Attorney RDC email address group	0.80	\$ 65.00	\$ 52.00
17-Jun	RDC Attorney email printed/filed, responded to Cender email on invoice status, responded to MCR with CRPC members email addresses, viewed RDC members responses to RDC Attorney email, created docket/financial snapshot	0.20	\$ 65.00	\$ 13.00
19-Jun	Created draft June LPCRDC agenda, emailed for review and approval, Call CRPC attorney, downloaded EDA 421 CARES construction package, printed, checked compatability w/my version of Adobe	1.00	\$ 65.00	\$ 65.00
22-Jun	Responded to Commissioner's Assistant regarding B & T invoices payment status, printed RDC June agenda on stationary, scanned/emailed to media, peer review May minutes, printed minutes for mtg. packet, emailed media CRPC mtg. cancelled, printed for minutes, created RDC mtg. packet, scanned/emailed to RDC members, attached PO's to invoices, created outline for draft June minutes, printed extra mtg. agendas, noted mtg. attendance responses from members, membership list OCED Dir. EDA 39 N app.	6.70	\$ 65.00	\$ 435.50
23-Jun	RDC Attorney request for agenda response, EDA 421 grant emails MCR, EDA, Nirpc, data gathered, app, prep., emailed LP Waterworks, donors job retention list, worked 421 EDA CARES app.	5.70	\$ 65.00	\$ 370.50
24-Jun	Bailey contact list for 421 businesses benefiting from sewer project, Treasurer's report printed. 421 EDA CARES app, draft, call MCR, Planner, COLP WW, schedule meeting, COLP Water email, reconciled Treasurer report/financial snapshot	8.50	\$ 65.00	\$ 552.50
25-Jun	CP emailed 421 PER reviewed, printed/saved for EDA app., call EDA app. Team MR/MB, reviewed EDA checklist items	2.10	\$ 65.00	\$ 136.50
26-Jun	EDACares grant, EDA Cares Grant SHPO, requested County Planner resume, received, saved, printed	4.60	\$ 65.00	\$ 299.00
29-Jun	Herald Argus cal COVIDI public hearing call, EDA 421 Cares app, Herald Argus June invoice printed/filed for July docket, reviewed Herald Argus invoice	6.10	\$ 65.00	\$ 396.50
	TOTAL HOURS	46.7		
Make check payable to MJ. Thomas & Associates			<b>TOTAL</b>	<del>\$ 3,025.50</del>

*\$1,517.75*





## MCR Partners LLC

INVOICE 2020-007

07-01-2020

### INVOICE TO

LaPorte County Redevelopment Commission  
555 Michigan Ave  
LaPorte, IN 46350

### PROJECT

LaPorte County Redevelopment Director

### DESCRIPTION

- Specific responsibility for proposing, responding, analyzing, and project management for 421/91 Economic Development Area, Kingsbury Industrial Park Economic Development Area (KIP), 39 North Economic Development Area and any other recommended economic development or redevelopment area(s) being contemplated by County leadership
- Coordinate closely with Office of Economic Development, Planning and Engineering departments with development and redevelopment opportunities including lead response and packaging, incentive calculations and general responsiveness to the Redevelopment Commission, County Council and Redevelopment Commission
- Working with your department heads, coordinate property ownership in targeted areas, and establish planning overlays for potential investment linked with public incentives
- Provide professional services management for redevelopment projects including public involvement with regard to property tax abatements, use of County Economic Development Income Tax (CEDIT) Tax increment financing and other public/private partnerships
- Seek investors that are in accord with current and future plans for LaPorte County
- Develop Non-Disclosure Agreements for specific properties, review status of properties with regard to solvency, tenancy, taxes and liens. Provide a Broker Opinion of Value (BOV) for facilities/properties
- Develop Non-Disclosure Agreements for prospective new investors in LaPorte County
- Work in cooperation with your legal counsel on documentation regarding transparency and use of public funding for economic development and redevelopment
- Develop a sales/lease divesture strategy for the subject sites in cooperation with existing land owners and County owned properties
- Prep for and facilitate meeting(s) with interested brokers/investors and site selection professionals
- Working with Auditor, Assessor, Surveyor and Recorder to determine project risk, opportunities and compliance

- Direct in implementation of existing planning efforts by the Redevelopment Commission and as well as other interested governmental agencies
- Direct interface with agencies regarding development submittals, including meetings with Federal, State and local officials to seek alternative funding sources for projects
- Assist in reviewing planning and development submittals to identify development barriers, infrastructure needs and financial viability
- Working with Redevelopment Commission, Economic Development office, County Council to make recommendations for projects relative to feasibility, timeline, local financial participation and other leverage sources
- Provide updates regarding funding, development opportunities at monthly meetings
- Operate out of the Office of Economic Development no less than 8 hours per week (over two days)
- Attendance at meetings as requested by president of the Commission including Commissioners, County Council, Redevelopment, and Planning meetings.

Monthly Retainer

Total Due 07-31-2020

~~\$6,000.00~~

**\$3,000.00**

PLEASE REMIT PAYMENT TO:  
MCR PARTNERS, LTD  
5920 HOHMAN AVENUE  
HAMMOND, IN 46320

*MCR Partners, LLC*

*5920 Hohman Avenue Hammond, IN 46320*

*219-741-9511*

185 Herald Argus  
701 State St.  
LaPorte, IN 46350

ADVERTISING INVOICE / STATEMENT 1/1

BILLING DATE	TERMS OF PAYMENT
06/28/2020	Standard Terms

Mary Jane Thomas  
LaPorte County Redevelopment Commission  
555 Michigan Ave  
Suite 203  
La Porte, IN 46350

BILLED ACCOUNT NO.	AGENCY/CLIENT
60195660	60195660
NAME OF AGENCY/CLIENT	
LaPorte County Redevelopment Commission	

DATE	AD #	TRANS #	DESCRIPTION	INS	UNITS	AMOUNT	TOTAL
			Balance Forward			150.34	150.34
06/02/2020		402528511	Payment Check 291094			-25.94	124.40
06/02/2020		402528512	Payment Check 291088			-25.94	98.46
06/13/2020	61132046	303231611	Claims & Allowances 6.24.20 - 61132046			50.12	148.58
			2050 News-Dispatch - Claims &	1	8.43 in		
			2085 Herald-Argus - Claims &	1	8.43 in		
06/25/2020		402535547	Payment Check 291686			-23.00	125.58
06/25/2020		402535548	Payment Check 291678			-23.00	102.58

PERIOD 6 2020	AGING			
	Period 5 2020	Period 4 2020	Period 3 2020	Period 2 2020
\$ 50.12	\$ 52.46	\$ 0.00	\$ 0.00	\$ 0.00

TOTAL NET AMOUNT DUE
\$ 102.58

PLEASE RETURN THIS PORTION  
WITH YOUR REMITTANCE

If you desire to charge this amount to your credit card, please complete the following information and return to the address below: [ ] Visa [ ] Mastercard [ ] Discover [ ] American Express  
Acct#: \_\_\_\_\_ Exp Date: \_\_\_\_\_  
Signature: \_\_\_\_\_

BILLED ACCOUNT NO.	BILLED ACCOUNT NAME	AMOUNT DUE
185 60195660	LaPorte County Redevelopment Commission	\$ 102.58 \$ 25.06

REMIT TO

185 Herald Argus  
c/o Paxton Media Group  
PO Box 1960  
Paducah KY 42002-1960

Phone: 270-575-8731  
Fax: 270-575-8726

Payment in full is due upon receipt of the statement. A service charge on all balances over 30 days will be computed by a 'Periodic Rate' of 1-1/2% per month, which is an ANNUAL PERCENTAGE RATE OF 18%, this applies to the previous balance after deducting current payments and credits appearing on your statement. Refunds less than \$10.00 will be refunded electronically, donated to NIE, or collected in cash at the newspaper.

18560195660000000000000010258

Remittance Advice

Billing Date  
06/28/2020

6019566000000000000010258

**BARNES & THORNBURG LLP**

700 1st Source Bank Center, 100 North Michigan

South Bend, Indiana 46601-1632 U.S.A

E.I.N. 35-0900596

(574) 233-1171

Invoice 2356164

Page 2

LAPORTE COUNTY, INDIANA  
813 LINCOLNWAY  
LAPORTE, IN 46350

June 15, 2020  
Philip J. Faccenda, Jr.  
00035730-000018

PAYABLE UPON RECEIPT

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**00035730-000018**

**EMINENT DOMAIN MATTER (KINGSBURY INDUSTRIAL PARK/RINKER)**

For legal services rendered in connection with the above matter for the period ending May 31, 2020 as described on the attached detail.

Fees for Services	\$	3,507.50
<b>TOTAL THIS INVOICE</b>	<b>\$</b>	<b>3,507.50</b>

EMINENT DOMAIN MATTER (KINGSBURY INDUSTRIAL  
PARK/RINKER)

Date	Description
05/11/20	Attention to negotiations for purchase of Hupp Road right of way; telephone conferences re same
05/11/20	Discussed status with Michael Bergerson.
05/18/20	Correspondence with opposing counsel re purchase offer negotiations; internal correspondence re same
05/22/20	Email correspondence with counsel for property owners re purchase offer negotiations; email correspondence with S.Friedman, M.Reardon, and M.Knight re same
<del>05/22/20</del>	<del>Correspondence to discuss status.</del>
05/27/20	Prepared materials for call with opposing counsel on purchase offer negotiations; attended conference with M.Knight and B.Hittinger re purchase offer negotiations; debriefed with M.Knight and S.Friedman re same; researched, reviewed, and analyzed case law and Indiana Code on various issues in preparation for condemnation action
05/27/20	Telephone conference with Brian Hittinger, counsel for Rinker to discuss the County's offer and any counter offer from Rinker; Telephone call to discuss this conversation with the County; Outlined issues and discussed exhibits.
05/28/20	Internal correspondence re condemnation action and related strategy; researched, reviewed, and analyzed case law and Indiana Code re same; email correspondence with S.Friedman re same
05/29/20	Internal correspondence re condemnation action and related strategy; researched, reviewed, and analyzed case law and Indiana Code re same
05/29/20	Received approval to proceed with eminent domain complaint and discussed exhibits thereto.

Fees for Services Total

\$ 3,507.50

**Friedman & Associates, P.C.**  
**Phone: 219-326-1264**

Invoice submitted to:  
**LaPorte County Redevelopment**

**Invoice # 10551**

Invoice Date: 06/16/20
Terms: COD
Services Through: 06/16/20

Date	By	Type	Service Summary	Hours/Qty	Rate	Amount
In Reference To: <b>KIP (Professional Services)</b>						
05/22/20	SRF	Other	review attorney Bergerson response from Rinkers' attorney regarding counter offer on easement; review history of correspondence between J. Brian Hittinger and Mike Bergeson Jr. ; review Matt Reardon followup; draft email to Mike Bergerson Jr. insisting on counter by next RDC mtg	0.75	150.00	\$112.50
05/27/20	SRF	Other	telephone conference with attorney Mike Bergerson and Mike Knight regarding negotiations with Rinkers' attorneys at Krieg DeVault; review prior demand letters in preparation for meeting; additional review of statute to advise board regarding potential approval vote for filing condemnation action	1.33	150.00	\$199.50
05/28/20	SRF	Other	review Mike Bergerson followup regarding potential exhibits for pending condemnation filing including overall KIP rail plan and prior appraisal; file review regarding prior Vale appraisal; draft followup to Mike Bergerson and Michael Knight regarding information to be supplied by Matt Reardon	0.83	150.00	\$124.50
06/01/20	SRF	Other	review Biran Hittinger of Krieg DeVault communication to attorney Bergerson; Review Bergerson email inquiring on communications regarding Rinker property; draft reply; review Michael Knight followup; draft reply regarding filing of complaint; telephonic conference with Jim Carroll; misc emails with Matt Reardon regarding CN connection; draft followup to Jim Carroll regarding meeting; review Matt Reardon reply	1.08	150.00	\$162.00
06/03/20	SRF	Other	review attached aerial map; review Mike Bergerson request of Matt Reardon for updated CN connection plan; review quesery for Vince & Assoc. prior appraisal on Rinker property	0.75	150.00	\$112.50

Date	By	Type	Service Summary	Hours/Qty	Rate	Amount
06/05/20	SRF	Other	review Mike Bergerson email regarding title company for full title check on potential defendants in upcoming condemnation action; draft reply; additional review of prior easement valuations along Hupp Road	1.17	150.00	\$175.50
06/08/20	SRF	Other	review Matt Reardon transmittal letter of Mike Knight and Mike Bergerson; review enclosures including Cheers surveys; review Hupp Road first land appraisal; review Hupp Rd vacant 2 land appraisal; review Hupp Rd vacant 3 land appraisal; review latest description of property sought for easement as key in CN connection; travel to and from KIP for meeting at JBC Rail with E. Lindborg, D. Davie, K. McDonald, Matt Reardon and Jim Carroll; review plan for extending "A" line and "B" line; telephone Matt Reardon following meeting; telephone conference with Randy Novak	2.42	150.00	\$363.00
06/09/20	SRF	Other	review draft complaint; review Mike Bergerson transmittal ; review notice to appear; review various complaint exhibits; review Matt Reardon email regarding summary of mtg at JBC Rail; review Matt Reardon changes to draft complaint; review Mike Bergerson response to Matt Reardon; review Matt Reardon clarification on IEDC grant issue;	2.67	150.00	\$400.50
06/10/20	SRF	Other	review Mike Bergerson Jr. query regarding service of process on respondent in condemnation suit; draft reply; review response	0.25	150.00	\$37.50
06/12/20	SRF	Other	review Mike Bergerson Jr. transmittal; review title report from Meridian Title on parcels connected to or adjacent to prospective easement sought in condemnation report; review taxes and search results on all four parcels	0.83	150.00	\$124.50

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Total Hours:	12.08
Total Labor:	1,812.00
<b>Total Invoice Amount:</b>	<b>\$1,812.00</b>

**Friedman  
& Associates P.C.**

**LAW OFFICES**

705 Lincolnway  
LaPorte, IN 46350

Telephone  
(219) 326-1264  
FAX  
(219) 326-6228

SHAW R. FRIEDMAN  
NELSON G. PICHARDO  
LAURA M. NIRENBERG

CAROL A. HEINOLD  
SENIOR LEGAL ASSISTANT

**INVOICE**

July 15, 2020

Mr. Joe Coar  
Chairman  
LaPorte County Redevelopment Commission  
555 Michigan Avenue  
LaPorte, IN 46350

July 2020 retainer for non litigation  
services per contract

\$1,500.00





# ANNUAL DUES INVOICE

July 1, 2020 – June 30, 2021

TO: ~~Mary Jane Thomas, LaPorte County~~ *Redevelopment Commission*

- ~~\$125.00~~ *\$62.50* 2020-2021 Dues for Renewing Members

Payment Method:

Check – Please make checks payable to Aim

Credit Card -  Master Card  Visa  Discover

Credit Card #: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Three Digit Security Code \_\_\_\_\_

Card Expiration Date: \_\_\_\_\_ Amount: \$125.00

Name on Card: \_\_\_\_\_

Billing Address of Credit Card:

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip \_\_\_\_\_

Authorized Signature for Credit Card \_\_\_\_\_

**IF PAYING BY CHECK, PLEASE RETURN A COPY OF INVOICE WITH PAYMENT OR BE SURE TO INCLUDE A NOTE THAT YOUR PAYMENT IS FOR RAI DUES.**

Return payment to :

- BY MAIL> Redevelopment Association of Indiana, c/o Rhonda Cook at Aim, 125 W. Market Street, Suite 100, Indianapolis, IN 46204
- BY EMAIL if using a credit card> [rcook@aimindiana.org](mailto:rcook@aimindiana.org)

[mjthomas2027@gmail.com](mailto:mjthomas2027@gmail.com)

**From:** Rhonda Cook <[RCook@aimindiana.org](mailto:RCook@aimindiana.org)>  
**Sent:** Wednesday, July 1, 2020 10:43 PM  
**To:** [mjthomas2027@gmail.com](mailto:mjthomas2027@gmail.com)  
**Subject:** RAI Dues  
**Attachments:** Thomas.pdf

Hello Mary Jane:

I am reaching out to let you know that it is **RAI Dues renewal time**. The dues amount remains the same as last year -- \$125 for renewing members. You will be receiving a notice and invoice by mail, however, I am also sending you the invoice via email for your convenience. Please see the attached.

In addition, I wanted to see if you had any changes to your organization's list of RAI members. Here is the info we currently have:

LaPorte County	Mary Jane Thomas	219-210-1857	<a href="mailto:mjthomas2027@gmail.com">mjthomas2027@gmail.com</a>
LaPorte County	Joe Coar	219-879-7321 (o)/219-877-8284	<a href="mailto:joe.coar@toni">joe.coar@toni</a>
LaPorte County	Dr. Vidya Kora	(c)	<a href="mailto:vkora@laport">vkora@laport</a>
LaPorte County	Scott Cooley	219-326-6808 ext 2229	<a href="mailto:scooley@ikorc">scooley@ikorc</a>
LaPorte County	Terry Larson	219-362-2127 ext 3326	<a href="mailto:tal@ldconstru">tal@ldconstru</a>
LaPorte County	Michael Mollenhauer	219-608-5456	<a href="mailto:mmollenhauer">mmollenhauer</a>
LaPorte County	Randall Novak	219-898-1460	<a href="mailto:rnovak@lapor">rnovak@lapor</a>
LaPorte County	Michael Rosenbaum	219-221-3113/219-402-7171	<a href="mailto:mrosenbaum@">mrosenbaum@</a>
LaPorte County	Tony Rodriguez		<a href="mailto:trodriquez@la">trodriquez@la</a>
LaPorte County	Shaw Friedman		<a href="mailto:sfriedman.ass">sfriedman.ass</a>
LaPorte County	Matt Reardon		<a href="mailto:matt.reardon@">matt.reardon@</a>

**RAI** Redevelopment  
Association of  
Indiana

**Rhonda Cook, Attorney at Law**

Deputy Director - Chief Federal/State Policy Officer  
125 West Market Street, Suite 100  
Indianapolis, IN 46204  
(o) 317-237-6200 ext. 225  
(m) 317-694-1451

# THOMAS & ASSOCIATES, LLC

7637 N. KANKAKEE TRAIL  
ROLLING PRAIRIE, IN 46371

Phone: 219-210-1857  
Email: MJTHOMAS2027@gmail.com

Bill To: LAPORTE COUNTY OCED  
Address: 555 MICHIGAN AVE. SUITE 203  
LAPORTE, INDIANA 46350

Invoice #: 6  
Invoice Date: 7/10/2020

Invoice For: LPCRDC

DATE	Description	HOURS	Unit Price	Price
6/3	Emails Vicki re:RDC claims, reviewed HA invoice, calculated amount due, annual recapture letters filing, updated financial snapshot, phone call with Vicki	0.90	\$ 65.00	\$ 58.50
4-Jun	Responded to Rosenbaum email for resend of docs to sign, scanned all 2020 LPCRDC signed dockets/mimutes in response to Vicki's email re:MCR 39N TIF invoices, included MCR PO #'s,MCR 421 EDA project, Rosenbaum re: signature	2.00	\$ 65.00	\$ 130.00
8-Jun	Created/printed May RDC minutes	2.40	\$ 65.00	\$ 156.00
11-Jun	Prepared June LPCRDC 2020 claims / allowances legal ad, peer review of legal notice,printed invoices, emailed to HA/ND for publication, FTE Zoom call, emailed Dr. Kora for signature on TIF Recapture resolution.	3.30	\$ 65.00	\$ 214.50
12-Jun	call Dave Decker CRPC/RDC update/emailed MCR,edited TIF recapture resolution adding executed signature page, emailed to County Auditor,County Planner grants.gov psswrw/created my user acct.	0.90	\$ 65.00	\$ 58.50
14-Jun	Prepared 4 TIF Recapture 2021 letters w/LPCRDC Resolution, scanned, emailed to County Auditor, Deputy Auditor, Bryan Schuch/SEH	1.20	\$ 65.00	\$ 78.00
15-Jun	Delivered 4 TIF 2020 Recapture ltrs to PO for mailing	0.30	\$ 65.00	\$ 19.50
16-Jun	Call MCR re: June mtg. CRPC/LPCRDC agendas, arranged for June ZOOM mtg. as per President, email RDC Attorney RDC email address group	0.80	\$ 65.00	\$ 52.00
17-Jun	RDC Attorney email printed/filed, responded to Cender email on invoice status, responded to MCR with CRPC members email addresses, viewed RDC members responses to RDC Attorney email, created docket/financial snapshot	0.20	\$ 65.00	\$ 13.00
19-Jun	Created draft June LPCRDC agenda, emailed for review and approval, Call CRPC attorney, downloaded EDA 421 CARES construction package, printed, checked compatability w/my version of Adobe	1.00	\$ 65.00	\$ 65.00
22-Jun	Responded to Commissioner's Assistant regarding B & T invoices payment status,printed RDC June agenda on stationary, scanned/emailed to media, peer review May minutes, printed minutes for mtg. packet, emailed media CRPC mtg. cancelled, printed for minutes, created RDC mtg. packet, scanned/emailed to RDC members, attached PO's to invoices, created outline for draft June minutes,printed extra mtg. agendas, noted mtg. attendance responses from members, membership list OCED Dir. EDA 39 N app.	6.70	\$ 65.00	\$ 435.50
23-Jun	RDC Attorney request for agenda response,EDA 421 grant emails MCR, EDA, Nirpc, data gathered, app, prep., emailed LP Waterworks, donors job retention list,worked 421 EDA CARES app.	5.70	\$ 65.00	\$ 370.50
24-Jun	Bailey contact list for 421 businesses benefiting from sewer project, Treasurer's report printed. 421 EDA CARES app, draft, call MCR, Planner, COLP WW, schedule meeting, COLPWater email, reconciled Treasurer report/financial snapshot	8.50	\$ 65.00	\$ 552.50
25-Jun	CP emailed 421PER reviewed, printed/saved for EDA app., call EDA app. Team MR/MB , reviewed EDA checklist items	2.10	\$ 65.00	\$ 136.50
26-Jun	EDACares grant , EDA Cares Grant SHPO , requested County Planner resume,received, saved, printed	4.60	\$ 65.00	\$ 299.00
29-Jun	Herald Argus cal COVIDI public hearing call, EDA 421 Cares app,Herald Argus June invoice printed/filed for July docket, reviewed Herald Argus invoice	6.10	\$ 65.00	\$ 396.50
	TOTAL HOURS	46.7		
Make check payable to MJ. Thomas & Associates			<b>TOTAL</b>	\$ 3,035.50

*\$1,517.75*



## MCR Partners LLC

INVOICE 2020-007

07-01-2020

INVOICE TO

LaPorte County Redevelopment Commission  
555 Michigan Ave  
LaPorte, IN 46350

PROJECT

LaPorte County Redevelopment Director

DESCRIPTION

- Specific responsibility for proposing, responding, analyzing, and project management for 421/91 Economic Development Area, Kingsbury Industrial Park Economic Development Area (KIP), 39 North Economic Development Area and any other recommended economic development or redevelopment area(s) being contemplated by County leadership
- Coordinate closely with Office of Economic Development, Planning and Engineering departments with development and redevelopment opportunities including lead response and packaging, incentive calculations and general responsiveness to the Redevelopment Commission, County Council and Redevelopment Commission
- Working with your department heads, coordinate property ownership in targeted areas, and establish planning overlays for potential investment linked with public incentives
- Provide professional services management for redevelopment projects including public involvement with regard to property tax abatements, use of County Economic Development Income Tax (CEDIT) Tax increment financing and other public/private partnerships
- Seek investors that are in accord with current and future plans for LaPorte County
- Develop Non-Disclosure Agreements for specific properties, review status of properties with regard to solvency, tenancy, taxes and liens. Provide a Broker Opinion of Value (BOV) for facilities/properties
- Develop Non-Disclosure Agreements for prospective new investors in LaPorte County
- Work in cooperation with your legal counsel on documentation regarding transparency and use of public funding for economic development and redevelopment
- Develop a sales/lease divesture strategy for the subject sites in cooperation with existing land owners and County owned properties
- Prep for and facilitate meeting(s) with interested brokers/investors and site selection professionals
- Working with Auditor, Assessor, Surveyor and Recorder to determine project risk, opportunities and compliance

- Direct in implementation of existing planning efforts by the Redevelopment Commission and as well as other interested governmental agencies
- Direct interface with agencies regarding development submittals, including meetings with Federal, State and local officials to seek alternative funding sources for projects
- Assist in reviewing planning and development submittals to identify development barriers, infrastructure needs and financial viability
- Working with Redevelopment Commission, Economic Development office, County Council to make recommendations for projects relative to feasibility, timeline, local financial participation and other leverage sources
- Provide updates regarding funding, development opportunities at monthly meetings
- Operate out of the Office of Economic Development no less than 8 hours per week (over two days)
- Attendance at meetings as requested by president of the Commission including Commissioners, County Council, Redevelopment, and Planning meetings.

Monthly Retainer

Total Due 07-31-2020

~~\$6,000.00~~

*\$2,000.00*

PLEASE REMIT PAYMENT TO:  
MCR PARTNERS, LTD  
5920 HOHMAN AVENUE  
HAMMOND, IN 46320

*MCR Partners, LLC*

*5920 Hohman Avenue Hammond, IN 46320*

*219-741-9511*

185 Herald Argus  
701 State St.  
LaPorte, IN 46350

ADVERTISING INVOICE / STATEMENT 1/1

BILLING DATE	TERMS OF PAYMENT
06/28/2020	Standard Terms

Mary Jane Thomas  
LaPorte County Redevelopment Commission  
555 Michigan Ave  
Suite 203  
La Porte, IN 46350

BILLED ACCOUNT NO.	AGENCY/CLIENT
60195660	60195660
NAME OF AGENCY/CLIENT	
LaPorte County Redevelopment Commission	

DATE	AD #	TRANS #	DESCRIPTION	INS	UNITS	AMOUNT	TOTAL
06/02/2020			Balance Forward				
06/02/2020		402528511	Payment Check 291094			150.34	150.34
06/13/2020	61132046	402528512	Payment Check 291088			-25.94	124.40
		303231611	Claims & Allowances 6.24.20 - 61132046			-25.94	98.46
			2050 News-Dispatch - Claims &			50.12	148.58
06/25/2020		402535547	2085 Herald-Argus - Claims &	1	8.43 in		
06/25/2020		402535548	Payment Check 291686	1	8.43 in		
			Payment Check 291678			-23.00	125.58
						-23.00	102.58

PERIOD 6 2020	AGING			
	Period 5 2020	Period 4 2020	Period 3 2020	Period 2 2020
\$ 50.12	\$ 52.46	\$ 0.00	\$ 0.00	\$ 0.00

TOTAL NET AMOUNT DUE  
\$ 25.06 ~~\$ 102.58~~

PLEASE RETURN THIS PORTION  
WITH YOUR REMITTANCE

If you desire to charge this amount to your credit card, please complete the following information and return to the address below:  Visa  Mastercard  Discover  American Express  
Acct# \_\_\_\_\_ Exp Date: \_\_\_\_\_  
Signature \_\_\_\_\_

BILLED ACCOUNT NO.	BILLED ACCOUNT NAME	AMOUNT DUE
185 60195660	LaPorte County Redevelopment Commission	\$ 102.58 <del>102.58</del> 25.06

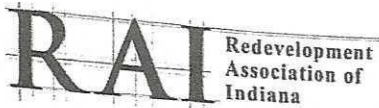
REMIT TO  
185 Herald Argus  
c/o Paxton Media Group  
PO Box 1960  
Paducah KY 42002-1960  
Phone: 270-575-8731  
Fax: 270-575-8726

Payment in full is due upon receipt of the statement. A service charge on all balances over 30 days will be computed by a 'Periodic Rate' of 1-1/2% per month, which is an ANNUAL PERCENTAGE RATE OF 18%, this applies to the previous balance after deducting current payments and credits appearing on your statement. Refunds less than \$10.00 will be refunded electronically, donated to NIE, or collected in cash at the newspaper.

1856019566000000000010258

Remittance Advice  
60195660000000000010258

Billing Date  
06/28/2020



# ANNUAL DUES INVOICE

July 1, 2020 – June 30, 2021

TO: ~~Mary Jane Thomas, LaPorte County~~ *A redevelopment commission*

- ~~\$125.00~~ *\$62.50* 2020-2021 Dues for Renewing Members

Payment Method:

Check – Please make checks payable to Aim

Credit Card -  Master Card  Visa  Discover

Credit Card #: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Three Digit Security Code \_\_\_\_\_

Card Expiration Date: \_\_\_\_\_ Amount: \$125.00

Name on Card: \_\_\_\_\_

Billing Address of Credit Card:

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip \_\_\_\_\_

Authorized Signature for Credit Card \_\_\_\_\_

**IF PAYING BY CHECK, PLEASE RETURN A COPY OF INVOICE WITH PAYMENT OR BE SURE TO INCLUDE A NOTE THAT YOUR PAYMENT IS FOR RAI DUES.**

Return payment to :

- BY MAIL> Redevelopment Association of Indiana, c/o Rhonda Cook at Aim, 125 W. Market Street, Suite 100, Indianapolis, IN 46204
- BY EMAIL if using a credit card> [rcook@aimindiana.org](mailto:rcook@aimindiana.org)



## MCR Partners LLC

INVOICE 2020-007

07-01-2020

INVOICE TO

LaPorte County Redevelopment Commission  
555 Michigan Ave  
LaPorte, IN 46350

PROJECT

LaPorte County Redevelopment Director

DESCRIPTION

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- Working with your department heads, coordinate property ownership in targeted areas, and establish planning overlays for potential investment linked with public incentives
- Provide professional services management for redevelopment projects including public involvement with regard to property tax abatements, use of County Economic Development Income Tax (CEDIT) Tax increment financing and other public/private partnerships
- Seek investors that are in accord with current and future plans for LaPorte County
- Develop Non-Disclosure Agreements for specific properties, review status of properties with regard to solvency, tenancy, taxes and liens. Provide a Broker Opinion of Value (BOV) for facilities/properties
- Develop Non-Disclosure Agreements for prospective new investors in LaPorte County
- Work in cooperation with your legal counsel on documentation regarding transparency and use of public funding for economic development and redevelopment
- Develop a sales/lease divesture strategy for the subject sites in cooperation with existing land owners and County owned properties
- Prep for and facilitate meeting(s) with interested brokers/investors and site selection professionals
- Working with Auditor, Assessor, Surveyor and Recorder to determine project risk, opportunities and compliance



- Direct in implementation of existing planning efforts by the Redevelopment Commission and as well as other interested governmental agencies
- Direct interface with agencies regarding development submittals, including meetings with Federal, State and local officials to seek alternative funding sources for projects
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- Attendance at meetings as requested by president of the Commission including Commissioners, County Council, Redevelopment, and Planning meetings.

Monthly Retainer

Total Due 07-31-2020

~~\$6,000.00~~

*\$1,000.00*

PLEASE REMIT PAYMENT TO:  
MCR PARTNERS, LTD  
5920 HOHMAN AVENUE  
HAMMOND, IN 46320

*MCR Partners, LLC*

*5920 Hohman Avenue Hammond, IN 46320*

*219-741-9511*

# LA PORTE COUNTY REDEVELOPMENT COMMISSION

July 29, 2020 4:00pm

## CLAIM DOCKET

<u>TIF</u>	<u>VENDOR NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>TOTALS</u>
KIDC	Thomas & Associates	June '20 Professional Services	\$1,517.75	
	MCR Partners	July '20 Professional Serv	\$3,000.00	
	Herald Argus	June '20 Legal Notice Publication	\$25.06	
	Barnes & Thornburg	Legal Services/Inv#2356164	\$3,507.50	
	Friedman & Associates	June '20 Legal Services/Inv#10551	\$1,812.00	
	Friedman & Associates	July '20 Legal Services	\$1,500.00	
	Redevelopment Association of IN	Annual Dues	\$62.50	
			<b>Subtotal</b>	<b>\$11,424.81</b>
US421#1	Thomas & Associates	June '20 Professional Services	\$1,517.75	
	MCR Partners	July '20 Professional Serv	\$2,000.00	
	Herald Argus	June '20 Legal Notice Publication	\$25.06	
	Redevelopment Association of IN	Annual Dues	\$62.50	
			<b>Subtotal</b>	<b>\$3,605.31</b>
39 North	MCR Partners	July '20 Professional Services	\$1,000.00	
		<b>Subtotal</b>	<b>\$1,000.00</b>	
<b>TOTAL OF CLAIMS</b>				<b><u>\$16,030.12</u></b>

### ALLOWANCE OF CLAIMS

We have examined the claims listed above, consisting of one (1) page, and except for Claims which may be listed below; such vouchers are allowed in the total amount of \$16,030.12. The Allowance of Claims, related motions and/or discussions by Committee Members will be included in the La Porte County Redevelopment Commission meeting minutes.

Dated this 29<sup>th</sup> day of July, 2020

\_\_\_\_\_  
 Randy Novak, President  
 La Porte County Redevelopment Commission

*Please list any denied or tabled claims:*

\_\_\_\_\_

\_\_\_\_\_

**Request for Proposals – Construction and Operation of  
Public Improvements, Kingsbury Industrial Park (KIP)  
LaPorte County, IN**

**Issued by:**

**LaPorte County Office of  
Economic Development  
555 Michigan Ave  
LaPorte, IN  
[www.laportecountvoed.org](http://www.laportecountvoed.org)**

**Issued August 1, 2020**

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**LAPORTE COUNTY REDEVELOPMENT COMMISSION  
REQUEST FOR PROPOSALS – CONSTRUCTION and OPERATION**

**INTRODUCTION AND PURPOSE OF RFP**

This Request for Proposals (the “RFP”) is issued by the LaPorte County Redevelopment Commission (the “RDC”), for and on behalf of LaPorte County, Indiana (the “County”), for the purpose of seeking a railroad operator to enter into an agreement with the RDC for the construction of as estimated 9,000 feet of new rail lines (as more fully defined herein, the “Construction”) and operation of the RDC’s existing rail lines approximately 7,000 feet for freight rail service in the Kingsbury Industrial Park in LaPorte County, Indiana (the “RDC Rail Lines”) (the Construction and RDC Rail Lines, together the “BOT Project”). The RDC invites proposals from experienced railroad operators capable of providing the specialized, professional services required for construction and operation of the BOT Project.

The RDC desires to obtain first-class, high-quality services that meet the needs of the railroad customers on the rail lines of the BOT Project. The intent of this RFP is to engage an operator that is deemed most responsive in providing such services as a contractor of the RDC. Specifically, the RDC seeks an operator that will:

- design, construct, operate and maintain new and existing RDC Rail Lines;
- the cost of the Construction shall be partially or entirely the responsibility of the operator;
- the County shall lease the BOT Project and real property owned by the County (existing) and any new rail lines of the BOT Project to the operator for a predetermined period;
- the agreement must provide for ownership of all improvements by the County.
- the agreement must identify which costs are to be the responsibility of the operator and which costs are to be the responsibility of the governmental body.
- operate the BOT Project in a manner so as to enhance rail revenues while ensuring that the BOT Project remain economically competitive;
- work cooperatively with all land owners in the KIP to facilitate expansion and operations when agreed to new and expanding businesses;
- properly maintain and safeguard the County’s investment in its railroad properties through the exercise of highest standards of maintenance in accordance with RDC requirements and, where approved by the RDC, recommend or undertake capital improvements to improve the rail lines;
- maximize the economic impact to LaPorte County and in the utilization of rail in the region;
- implement appropriate marketing activities to attract new customers to be served by BOT Project;
- accomplish all objectives required of the operator in a professional manner, in compliance with best railroad industry practices and applicable laws and ordinances; and
- Work in cooperation with adjacent class one rail carriers CSX, specifically as well as other private operators for access.

In order to satisfy the RDC’s requirements and meet the RDC’s goals mentioned above, proposers must agree to provide all of the services sought by the RDC under this RFP. At the conclusion of the RFP process, and upon the execution of a Build Operate Transfer Agreement (the “BOT Agreement”) between the

selected proposer and the RDC, the selected proposer will have responsibility for the operation of the BOT Project for rail freight services. This process is governed by IC 5-23.

(1) The design, construction, operation, management, maintenance, or financing of the cost of the Construction shall be partially or entirely the responsibility of the operator.

(2) The County shall lease the BOT Project, real property owned and easements granted to the governmental body upon which the BOT Project is to be located to the operator for a predetermined period. The BOT Agreement must provide for ownership of all improvements by the County, unless the County elects to provide for ownership of the BOT Project by the operator during the term of the BOT Agreement. In this case, ownership reverts back to the County upon the termination of the BOT Agreement.

(3) The BOT Agreement must identify which costs are to be the responsibility of the operator and which costs are to be the responsibility of the County.

(4) The operator may be authorized to retain a mutually agreed upon percentage of the revenues received in the operation and management of the BOT Project, or the operator may be paid an amount established by the County, which shall be applied as follows:

(A) Capital outlay costs for the BOT Project and public service plus interest and principal repayment for any debt incurred.

(B) Costs associated with the operation, management, and maintenance of the BOT Project.

(C) Payment to the governmental body for reimbursement of the costs of maintenance, law enforcement, and other services if the services are performed by the governmental body under the BOT Agreement.

(D) An agreed upon return on investment to the operator.

(5) The operator may pay the governmental body either a lease payment or a percentage of gross revenue per month for the operator's operation and use of the BOT Project.

(6) The BOT Agreement must provide for the payment of contractors and subcontractors under IC 4-13.6-7, IC 5-16-5, or IC 36-1-12, whichever is applicable. The BOT Agreement must provide for payment and performance bonds as follows:

(1) For a payment bond, an amount not less than one hundred percent (100%) of the cost to design and construct the public facility.

(2) For a performance bond, an amount not less than fifty percent (50%) of the cost to design and construct the public facility.

As added by P.L.49-1997, SEC.34. Amended by P.L.239-2019, SEC.4; P.L.208-2019, SEC.1; P.L.211-2019, SEC.6.

### **KINGSBURY INDUSTRIAL PARK (KIP)**

The Kingsbury Industrial Park has access to all major markets. The 627 acres of shovel ready property is located 2.5 miles from US 35 and US 6. It is 18 miles from I80/90. Additionally the park was a former US military facility and as such as additional acreage for development is available. Attached is the link to site map, zoning and marketing materials for the property.

## **GOALS AND INTENT**

On August 8, 2012, the RDC adopted a comprehensive five-year strategic plan (the "Strategic Plan"). This is a very detailed document containing significant information about the RDC and its railroad properties. The Strategic Plan included a review and evaluation of the RDC's public/private partnership model and identified goals and potential action to be taken by the RDC, many of which involve rail operations on the rail lines of the BOT Project. Specifically, the following are a few objectives relating to rail freight operations that will be pursued by the RDC as part of the Strategic Plan:

- Expand and maintain the RDC's strong rail system preservation and maintenance program through its successful public-private partnership (P3) business model.
- Construct additional public rail for continued and expansion of public access and demonstrate financial viability for proposed cost.
- Proactively identify new industrial properties to facilitate new rail freight service dependent upon industrial development opportunities.
- Develop and maintain an effective continuity of operations program to effectively sustain rail service in LaPorte County.
- The Build Operate Transfer (BOT) agreement may require a performance bond and provide for the payment of contractors and subcontractors under IC 4-13.6-7, IC 5-16-5, or IC 36-1-12, whichever is applicable.
- Switching Defined:
  - The successful respondent (respondent) will move inbound rail cars from the interchange track (outside of Kingsbury Industrial park to respondent's lease track (County owned) and return same to interchange as part of the line haul switching. Switching of railcars shall be done as directed by the respondent and charged to Industry at Railroad's then prevailing tariff for local switching or as directed by the County. County shall have no liability to respondent for delays in switching or transfer. The respondent shall also be free to allocate the scheduling of switches among its industry customer without being deemed in breach of the Agreement. Respondent may also store cars on County tracks subject to the terms of the Build Operate Transfer Agreement. In addition to switching, respondent will be responsible for track maintenance, provide insurance.
- Construction defined:
  - The successful respondent (respondent) will clean, clear and construct no less than 9,000 liner feet of new trackage in the Kingsbury Industrial Park (KIP) The new trackage shall be located on County owned and or County accessible easements within the KIP. The trackage shall be constructed to required federal standards and shall at all times be acceptable to any Class I rail carrier.

## **RDC RAIL PROPERTIES SUBJECT TO THIS RFP**

The County owns railroad properties in the KIP. The railroad properties which are the subject of this RFP are as follows:

LEGAL and MAP

## **MAPS OF LINES/RAIL LINE DATA AND INFRASTRUCTURE CONSTRUCTION/INVESTMENTS**

The successful respondent (respondent) will clean, clear and construct no less than 9,000 liner feet of new trackage in the Kingsbury Industrial Park (KIP). The new trackage shall be located on County owned and or County accessible easements within the KIP. The trackage shall be constructed to required federal standards and shall at all times be acceptable to any Class I rail carrier.

[KIP legal description County Rail Land.pdf](#)

[Maps for RFP Rail\KIP ROW.jpg](#)

- **INTERCHANGES**

Class I potential interchanges are at this time are:

Norfolk Southern (NS)

CSX

The Indiana Economic Development Corporation has provided grant funding which may or may not be available for the BOT Project. The County and the RDC will provide no funding for the BOT Project.

## **PROPOSED BUILD OPERATE TRANSFER (BOT) AGREEMENT**

At the conclusion of the RFP process, the RDC and the selected proposer will enter into a BOT Agreement for the BOT Project. The general terms of a BOT Agreement are listed below.

The term of the BOT Agreement shall be five years, with a possible renewal term of five years. Under the BOT Agreement, the selected proposer will have exclusive use of the BOT Project for rail freight services in exchange for payment of an operating fee, which will be determined as part of the RFP process, and fulfillment of other requirements set forth in the BOT Agreement. Thus, the BOT Agreement contains all duties and responsibilities expected to be observed and performed by the selected proposer in its day-to-day operations of the BOT Project. By way of example and not limitation, the BOT Agreement requires the operator to do the following:

- make various reports to the RDC, including reports relating to financial performance, operations, marketing, and maintenance of way on a biannual basis;
- maintain the BOT Project in accordance with the RDC's track maintenance standards and asset guidelines which shall be in compliance with class 1 rail carrier usage standards
- furnish all required management, supervision, and other services required in the performance of rail operations;



- meet certain customer service standards and operator and maintenance expenditure thresholds as determined by an independent RDC consultant;
- cooperate with the RDC in carrying out its mission of preserving rail freight service and fostering economic development and job creation in the region through the improvement and expansion of rail infrastructure;
- provide and maintain required insurance for its operations in accordance with industry standards.
- indemnify the RDC and the County for liabilities arising from the rail operations.

#### **OVERVIEW OF RFP PROCESS:**

The RDC desires to ensure that first-class rail operations are provided on the County's rail lines. The intent of this RFP is, therefore, to ensure that an appropriate level of review of proposals is undertaken in order to select a rail operator that the RDC deems best suited to provide rail freight service operations on the County's rail lines.

The RDC will assess each proposer's approach to operations, qualifications and experience, financial capability and other areas described below. There will be no restriction to the number of proposers that may submit proposals.

#### **GENERAL INSTRUCTIONS FOR ALL PROPOSALS**

This section explains the procedure that will be followed by all proposers. Proposers should carefully read and follow the procedures required by this section. Material deviations from these requirements may cause rejection of proposals.

Each proposer must submit one (1) original signed proposal and a cover letter, each signed in ink, and six (6) unbound hard copies to the RDC at the following address:

LaPorte RDC  
555 Michigan Ave  
LaPorte, IN

In addition, all proposers must submit an electronic .pdf copy of their proposal. The .pdf must be a single document and not broken into multiple files. If the file size of the .pdf exceeds 12 MB, the proposer must contact the RDC to get instructions for FTP or Dropbox file transfers. Such communications shall be directed to CONTACT

Timely submission of proposals is the sole responsibility of the proposer. **Late proposals after the deadline will not be considered.** The RDC reserves the right to determine the timeliness of all submissions.

Proposers should be clear, concise and direct in their submissions. Elaborate or lengthy proposals beyond those needed to provide a clear response to all requirements are not encouraged. Unclear, incomplete, or inaccurate documentation may not be considered. Falsification of any information may result in disqualification from the selection process, or in termination of the BOT Agreement if later discovered that the award of the agreement was made as a result of false information submitted in response to this RFP.

Submitted materials will not be returned to the sender after the proposals have been opened.

To be responsive, a proposal must be submitted in writing. All applicable documents, including attachments and exhibits, must be included with the proposal. Each page of the proposal should be numbered sequentially at the bottom of the page. Proposals must be submitted in the English language and must be at least 12 point font size, have at least one inch margins on all sides, and be on plain white paper.

Each proposal must be accompanied by a cover letter limited to one page that references the title of this RFP and includes the following information:

- (1) Full legal name of the proposer;
- (2) Legal business status (individual, partnership, corporation, limited liability company, etc.), address, telephone number, fax number, and email address of the authorized representative(s) of the proposer;
- (3) State in which, in the case of an individual, the individual is domiciled, or in the case of an entity, the entity is organized or incorporated.
- (4) Name, title, email address, telephone number and mailing address of the person(s) authorized to be the primary contact and represent the proposer in the RFP process.

The RDC reserves the right to seek additional information or clarifications from any proposers. The RDC may elect to interview any or all of the proposers.

All costs of preparation of a proposal shall be borne by the proposer. The RDC shall not be liable for any expenses incurred by proposers in the preparation and/or submission of proposals.

Proposals may be withdrawn by written request of the authorized representative of the proposer on letterhead at any time prior to the submission deadline **August 25th 4:00 CST**.

### **SPECIFIC INFORMATION REQUIRED FROM PROPOSERS**

The RDC will accept submissions up to **August 21th 4:00 PM CST**. Initial responses shall be in narrative form and shall include the information required in this section. Failure to adhere to these requirements may be cause for rejection of the proposal as non-responsive.

To ensure a uniform review process and to ensure an appropriate level of comparability, initial responses by proposers must be organized as follows:

1. *Approach to Operations*. In this section, each proposer should include the following:
  - a preliminary statement or summary of its overall approach or philosophy concerning the construction of new connections and operation of Industrial Switching Operations railroads, including strategies or business practices that address the scope of services sought by this RFP;
  - a list of all proposed railroad improvements, including cost, timeline and growth potential (land areas or structures served);
  - a description of its existing marketing activities employed in its rail operations to attract rail customers and otherwise market the proposer's business;

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- a description of the proposer's policies and procedures for operating its business, including policies and procedures relating to customer service, employee matters, risk management, and accounting and financial management;
- a description of the proposer's approach to maintenance of rail lines;
- a summary of track inspections conducted by the Federal Railroad Administration (FRA) on any rail lines owned or operated by the proposer and a list of any violations or fines imposed by the FRA concerning same; and

2. *Qualifications and Experience.* In this section, each proposer should include the following:

- a statement of its qualifications and experience with rail construction and number of years managing and operating Industrial Switching Operations railroads;
- a minimum of five customer references, including name, mailing address, email address, and telephone number of the reference;
- if the proposer is a business entity (e.g., corporation, limited liability company, partnership), the proposer should detail the experience and qualifications of the proposer's management team; and
- a description of any operations specifically involving a public-private partnership, including an identification of the entities involved.

3. *Financial Capability.* In this section, each proposer should include the following:

- audited financial statements for the prior three years prepared in accordance with generally accepted accounting principles, including notes to financial statements;
- balance sheets for the prior three years;
- statements of income and expenses for the prior three years;
- corporate/partnership federal income tax returns for the last completed tax year;

4. *Effect of Other Operations on RDC Lines.* In this section, each proposer should include the following:

- a description of any facts bearing upon any possible interests, direct or indirect, that the proposer believes any member, director, officer, employee or agent of the RDC presently has, or will have, in the performance by the proposer; and
- a statement concerning whether proposer presently has or may in the future have an interest, direct or indirect, which would conflict in any manner with the performance of its obligations that is adverse or potentially adverse to the RDC (e.g., operation of other rail lines that may adversely affect rail operations of the BOT Project).

**SELECTION CRITERIA TO BE USED BY THE RDC**

The RDC BOT Agreement Committee will review and evaluate the information received. Each response will first be reviewed and analyzed to determine overall responsiveness and completeness. Failure to comply with the instructions above may result in the proposal being deemed non-responsive and may, at the discretion of the RDC, be eliminated from further consideration.

The RDC will enter into a BOT Agreement with an operator for the acquisition, planning, design, development, construction, reconstruction, repair, maintenance, or financing of the BOT Project on behalf of the County.

The scoring system is as follows: Each proposer will receive a single score of between zero (0) and twenty (20) points (twenty being the highest score) in the following categories:

- *Approach to Operations*
- *Qualifications and Experience*
- *Financial Capability*
- ***[Price]***

### **SELECTION PROCESS FOR AWARD OF CONTRACT**

Each proposal will first be reviewed and analyzed to determine overall responsiveness and completeness. Failure to comply with the instructions of this RFP may result in the proposal being deemed non-responsive and may, at the discretion of the RDC, be eliminated from further consideration.

Proposers consent to such additional investigation may include the following:

- an inspection of other rail lines operated by proposer by RDC staff and consultants, including a review of track inspection reports by State agencies and the Federal Railroad Administration for such lines;
- a survey conducted by RDC of the proposer's customers of other lines operated by the proposer.
- an interview of proposer's current Class I connecting railroads and state and federal regulatory agencies concerning proposer's performance; and
- a review of safety records and track inspection reports for proposer.

The RDC Rail Committee will then rank each proposal through the use of another scoring system.

The scoring system shall be as follows: Each proposer will receive a single score of between zero (0) and twenty (20) points (twenty being the highest score) in the following categories:

- *Commitment to construction of additional rail infrastructure*
- *Commitment to Track Maintenance*
- *Commitment to Safe Operations*
- *Soundness and Sustainability of Operating, Marketing, and Financial Plans*
- *Commitment to Public-Private Partnership*
- *Price*
- *Commitment to Economic Development*

The RDC reserves the right to reject any and all proposals, waive informalities and irregularities in proposals received and to accept any portion of any proposal if deemed in the best interests of the RDC.

### **PROPOSAL ACCEPTANCE**

Each proposal is submitted with the understanding that the RDC's written acceptance of the offer of proposer to provide the services described herein, shall be the foundation for the BOT Agreement between the proposer and the RDC. Submission of a proposal shall therefore bind the proposer to furnish and deliver the services and related components in accordance with conditions of the proposal.

### **PROPOSAL OWNERSHIP AND CONFIDENTIALITY**

All proposals, including attachments, supplementary material, addenda, etc., shall become the property of the RDC and will not be returned to the sender. The RDC has the right to use any or all ideas presented in the proposal without limitation. All proposals will be considered public documents, subject to review and inspection by the public at the RDC's discretion.

Proposers acknowledge and understand that the RDC is subject to the Indiana Access to Public Records Law (IC 5-14-3) (the "Public Records Law"). Proposers must therefore specifically identify the pages of a response or proposal that contain confidential information and provide a statement that such information is considered confidential by proposer and disclosure of such information would cause substantial injury to proposer, and identify an applicable exception to the disclosure requirements of the Public Records Law.

### **GENERAL CONDITIONS, RESERVATIONS, AND DISCLAIMERS**

In addition to any other conditions, reservations, or disclaimers set forth in this RFP, the following section sets forth general conditions, reservations, and disclaimers which apply to this RFP.

- The RDC reserves the right to extend any submission deadline should doing so be in the interest of the RDC. Proposers shall have the right to revise their proposals in the event that a deadline is extended. In the event a deadline is extended, the RDC shall provide notice of same on its website at [laportecountyod.org](http://laportecountyod.org)
- The RDC reserves the right to withdraw this RFP at any time without prior notice. The RDC makes no representation that a BOT Agreement will be awarded to any proposer responding to this RFP. The RDC reserves the right to reject any or all proposals.
- If an inadequate number of proposals are received or the proposals received are deemed to be non-responsive, the RDC may, in its sole discretion, reissue the RFP or execute a sole-source agreement for rail freight operations with any individual or entity.
- The RDC will review and rate submitted proposals as described in this RFP. Proposers may not make any changes or additions after the deadline for receipt of proposals. The RDC reserves the right to request additional information or documentation from proposers as it deems necessary or appropriate.
- The RDC reserves the right to verify information in any response or proposal. If the information cannot be verified, the RDC reserves the right to reduce the score awarded to the response or proposal.
- The RDC may require interviews with any proposer.
- The RDC reserves the right to waive minor defects in any response or proposal.

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- This RFP does not represent a commitment or offer by the RDC to enter into an agreement with a proposer or to pay any costs incurred in the preparation of a response or proposal. The proposer assumes all costs associated with responding to this RFP.
- The RDC reserves the right to seek new proposals when such a request is in the best interest of the RDC and to reasonably request such additional information or clarification of information provided in a proposal without changing the RFP.
- This RFP and a proposer's response to the RFP may become a part of the BOT Agreement between the selected proposer and the RDC resulting from this RFP process.
- No proposer shall offer any favor or anything of pecuniary value to any RDC Board member, staff member, consultant or any other individual with an interest in this RFP process for the purposes of influencing the outcome of the RFP selection process.
- Should any question arise as to the proper interpretation of the terms and conditions contained in this RFP, the RDC's decision shall be final.
- The RDC reserves the right not to award the BOT Agreement or to award a BOT Agreement to one or more proposers as it deems to be in the best interest of the RDC.

**QUESTIONS AND COMMUNICATIONS PROTOCOL**

The following communications protocol shall apply throughout the RFP process.

- All discussions by proposers with RDC consultants and RDC Board members during the RFP process are prohibited.
- There will be one individual at the RDC with whom proposers may communicate or direct questions. The point of contact for proposers is: Matthew Reardon, Office of Community and Economic Development, LaPorte County. [Matt.reardon@mcrpartnersltd.com](mailto:Matt.reardon@mcrpartnersltd.com)
- Each proposer shall receive the same information concerning the RFP at substantially the same time as all other proposers.
- To ensure fair and consistent distribution of information, all proposer questions will be answered in a "Q&A" format in a document to be provided to all proposers. No individual answers will be given.

**TIMELINE**

The tentative timeline for the RFP submissions, review, selection and BOT Agreement award will be available on the RDC's website at [laportecountyvoed.org](http://laportecountyvoed.org). This timeline is subject to change by the RDC, in its sole discretion.