PASSED 7-0

ORDINANCE 92-44

ORDINANCE AUTHORIZING THE CITY OF BLOOMINGTON TO ISSUE ITS "ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 1992 (STONE BELT CENTER PROJECT)" AND APPROVING OTHER RELATED ACTIONS

WHEREAS, the Bloomington Economic Development Commission has rendered its Project Report for the Stone Belt Council for Retarded Citizens, Inc. Project regarding the financing of proposed economic development facilities for Stone Belt Council for Retarded Citizens, Inc. and the Bloomington Plan Commission has commented favorably thereon; and

WHEREAS, the Bloomington Economic Development Commission conducted a public hearing on September 24, 1992, and adopted a resolution on September 24, 1992, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of Stone Belt Council for Retarded Citizens, Inc. complies with the purposes and provisions of I.C. 36-7-11.9 and 12 and that such financing will be of benefit to the health and welfare of the City of Bloomington and its citizens; and

WHEREAS, the Bloomington Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council, has considered the issue of adverse competitive effect and has approved the forms of and has transmitted for approval by the Common Council the Loan Agreement, Mortgage, Security Agreement and Financing Statement (the "Loan Agreement"); Collateral Security Agreement; Note; and Bond Purchase Agreement; and

WHEREAS, the Monroe County Council has adopted a resolution dated September 8, 1992, approving the financing by the City of Bloomington of certain proposed economic development facilities located in Benton Township, Monroe County, Indiana, as required by I.C. 36-7-12-22.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Bloomington Economic Development Commission and presented to this Common Council, the issuance and sale of the City of Bloomington Economic Development Revenue Bonds, Series 1992 (Stone Belt Center Project) (the "Bonds"), the loan of the proceeds of the Bonds to Stone Belt Council for Retarded Citizens, Inc. for the acquisition, construction and equipping of such facilities, the payment of the Bonds by the note payments of Stone Belt Council for Retarded Citizens, Inc. under the Loan Agreement and Note, and the securing of said Bonds by the assignment of the mortgage of such facilities to Bank One, Bloomington, NA (the "Bondholder") under the Bond Purchase Agreement, complies with the purposes and provisions of I.C. 36-7-11.9 and 12, and will be of benefit to the health and welfare of the City of Bloomington and its citizens.

SECTION 2. The economic development facilities will consist of the construction and equipping of three one-story, 2,750 square foot group homes situated on lots of 0.4, 0.28 and 0.5 acres, each accommodating five adult or adolescent residents with developmental disabilities; acquiring a two-story, 2,400 square foot group home, situated on a lot of 0.3 acres, accommodating seven adult residents with developmental disabilities; acquiring a three-story, 3,500 square foot group home, situated on a lot of 2.0 acres, accommodating six adult residents with developmental

disabilities; and constructing a 50-foot walkway and 12-foot canopy and acquiring upgraded computer equipment; to be located, respectively, at 1006 West 11th Street, 214 Southern Drive, 4100 Deckard Drive and 4417 Blackstone Court, all in the City of Bloomington; 4811 Hite Drive in Benton Township; and 2815 East 10th Street in the City of Bloomington (the "Project").

SECTION 3. At the public hearing held by the Bloomington Economic Development Commission, the Commission considered whether the economic development facilities would have an adverse competitive effect n any similar facilities located in or near the City of Bloomington, and subsequently found, based on special findings of fact set forth in the Resolution transmitted hereto, that the facilities would not have an adverse competitive effect. This Common Council hereby confirms the findings set forth in the Commission's Resolution, and concludes that the economic development facilities will not have an adverse competitive effect on any other similar facilities in or near the City of Bloomington, and the facilities will be of benefit to the health and welfare of the citizens of the City of Bloomington.

SECTION 4. The substantially final forms of the Loan Agreement; Collateral Security Agreement; Note; and Bond Purchase Agreement approved by the Bloomington Economic Development Commission are hereby approved (herein collectively referred to as the "Financing Agreement" referred to in I.C. 36-7-11.9 and 12), and the Financing Agreement shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk. In accordance with the provisions of I.C. 36-1-5-4, two (2) copies of the Financing Agreement are on file in the office of the Clerk for public inspection.

SECTION 5. The City of Bloomington shall issue its Bonds in the total principal amount not to exceed $1,000,000 and maturing twenty-two (22) years from the date of the first calendar month after date of issuance, as provided in the Financing Agreement. Said Bonds are to be issued for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Bond Purchase Agreement and Loan Agreement, incorporated herein by reference, which Bonds will be payable as to principal, premium, if any, and interest from the note payments made by Stone Belt Council for Retarded Citizens, Inc. under the Loan Agreement and Note or as otherwise provided in the above described Bond Purchase Agreement. The Bonds shall be issued as fully registered bonds in the denominations of $5,000 or integral multiples thereof and shall be payable in principal installments and shall be redeemable as provided in Article V of the Bond Purchase Agreement. Payments of principal and interest are payable in lawful money of the United States of America by check or draft mailed or delivered to the registered owners as provided in the Bond Purchase Agreement. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Bloomington, nor are the Bonds payable in any manner from revenues raised by taxation.

SECTION 6. The Mayor and Clerk are authorized and directed to sell the Bonds to the original purchaser thereof at the price of 100% of the principal amount thereof. The Bonds shall bear interest at a rate not to exceed 6.75% per annum (except in the event of a Determination of Taxability, as defined in the Loan Agreement, in which event the interest rate shall increase to the Taxable Rate, as defined in the Loan Agreement).

SECTION 7. The Mayor and Clerk are authorized and directed to execute, attest, affix or imprint by any means the City seal to the documents constituting the Financing Agreement approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the Bonds authorized herein. The Mayor and Clerk are hereby expressly authorized to approve any modifications or additions to the documents constituting the Financing Agreement which take

place after the date of this Ordinance with the review and advice of the City Attorney; it being the express understanding of this Common Council that said Financing Agreement is in substantially final form as of the date of this Ordinance. The approval of said modifications or additions shall be conclusively evidenced by the execution and attestation thereof and the affixing of the seal thereto or the imprinting of the seal thereon; provided, however, that no such modification or addition shall change the maximum principal amount of, interest rate on or term of the Bonds as approved by the Common Council by this Ordinance without further consideration by the Common Council. The signatures of the Mayor and Clerk on the Bonds may be either manual or facsimile signatures. The Clerk is authorized to arrange for delivery of such Bonds to the Bondholder named in the Bond Purchase Agreement, and payment for the Bonds will be made to the Bondholder named in the Bond Purchase Agreement. The Mayor and Clerk shall execute and the Clerk shall deliver the Bonds to the Bondholder within ninety days of the adoption of this ordinance. The Bonds shall be originally dated as of the first day of the month in which they are delivered and shall bear interest from their date of delivery.

SECTION 8. The provisions of this Ordinance and the Bond Purchase Agreement securing the Bonds shall constitute a contract binding between the City of Bloomington and the holders of the Bonds, and after the issuance of said Bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said Bonds or the interest thereon remains unpaid.

SECTION 9. This Common Council represents that bonds, warrants and other evidences of indebtedness issued by it or on its behalf, during calendar year 1992, will be less than $10,000,000 principal amount of tax-exempt obligations. The Common Council hereby designates the Bonds as qualified obligations pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, relating to the disallowance of 100% of the deduction for interest expense allocable to the tax-exempt obligations acquired after August 7, 1986.

SECTION 10. The Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Indiana, this 21st day of October, 1992.

Iris Kiesling

PAM SERVICE, ~~President~~
Bloomington Common Council

ATTEST:

Patricia Williams

PAT WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Indiana, on this 22 day of October, 1992.

Patricia Williams

PATRICIA WILLIAMS, Clerk
City of Bloomington

APPROVED AND SIGNED by me on this 22nd day of October, 1992.

Tomilea Allison

TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This Ordinance authorizes the issuance of economic development revenue bonds in an amount not to exceed $1,000,000 to enable Stone Belt Council for Retarded Citizens, Inc., a non-profit charitable organization, to acquire, construct, renovate, and equip group homes to provide residential services to persons with developmental disabilities.

Signed copies to:
Legal - Susan Failey
Controller
Stonebelt Center