ORDINANCE 81-18

To Authorize the City of Bloomington to Issue its "Economic Development First Mortgage Revenue Bonds, Series A (Indiana University Retirement Community, Inc. Project)" and Approve Other Actions and Matters in Respect Thereto

WHEREAS, the Bloomington Economic Development Commission has rendered its Project Report for the Indiana University Retirement Community, Inc. Project regarding the financing of proposed economic development facilities for Indiana University Retirement Community, Inc. and the Bloomington Planning Commission has commented favorably thereon; and

WHEREAS, the Bloomington Economic Development Commission conducted a public hearing on January 21, 1981, and also adopted a resolution on January 21, 1981, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of Indiana University Retirement Community, Inc. complies with the purposes and provisions of IC 18-6-4.5 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 and has approved the forms of and has transmitted for approval by the Common Council the Loan Agreement and Mortgage, Note, and Trust Indenture;

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

SECTION I. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement and Mortgage approved by the Bloomington Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, both Series A and Series B, the loan of the proceeds of the revenue bonds to Indiana University Retirement Community, Inc. for the acquisition and construction of such facilities and the equipping thereof, the payment of the revenue bonds by the note payments of Indiana University Retirement Community, Inc. under the Loan Agreement and Mortgage and Note, and the securing of said bonds by the mortgaging of such facilities to the Trustee under the Trust Indenture complies with the purposes and provisions of IC 18-6-4.5 and will be of benefit to the health and welfare of the City of Bloomington and its citizens.

SECTION II. The City will further use its best efforts at the request of Indiana University Retirement Community, Inc. to authorize the issuance of additional bonds for the purpose of refunding or refinancing any outstanding principal amount of the bonds, including the costs of issuance.

SECTION III. The forms of the Loan Agreement and Mortgage, Note, and Trust Indenture approved by the Bloomington Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in IC 18-6-4.5), shall be incorporated herein by reference and kept on file by the Clerk. The Financing Agreement and the revenue bonds shall be dated as of either the first or the fifteenth day of the month in which the revenue bonds are issued.

SECTION IV. The City of Bloomington shall issue its Economic Development First Mortgage Revenue Bonds, Series A (Indiana University Retirement Community, Inc. Project), in the total principal amount not to exceed $12,000,000 for the purpose of procuring funds to apply on the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Trust Indenture 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 Indiana University Retirement Community, Inc. under the Loan Agreement and Mortgage and Note or as otherwise provided in the above described Trust Indenture. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Bloomington.

SECTION V. The Mayor, Clerk and/or Controller are authorized and directed to sell such bonds to the purchasers thereof at a rate or rates of interest on the bonds not to exceed 13% per annum and at a price note less than 94% of the principal amount thereof. If less than $12,000,000 is sold the reduction will be from those bonds maturing February 1, 1991.

SECTION VI. The Mayor and Clerk are authorized and directed to execute the documents constituting the Financing Agreement approved herein on behalf of the City and any other documents, including a bond purchase agreement and an official statement, which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The distribution of a preliminary official statement and a final official statement is hereby authorized. By their execution thereof the Mayor and Clerk may approve such modifications and amendments as may be desirable in any of said documents and to approve the selection of a Trustee. The signatures of the Mayor and Clerk on the bonds may be facsimile signatures. The Clerk is authorized to arrange for delivery of such Bonds to the Trustee selected, payment for which will be made to the Trustee named in the Trust Indenture and the Bonds shall be delivered by the Trustee to the purchasers thereof.

SECTION VII. The provisions of this Ordinance and the Trust Indenture securing the bonds shall constitute a contract binding between the City of Bloomington and the holder of the Economic Development First Mortgage Revenue Bonds, Series A (Indiana University Retirement Community), Inc. Project), 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 VIII. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 21st day of January, 1981.

Alfred I. Towell, President
Bloomington Common Council

ATTEST:

Nora M. Connors, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana upon this day of January, 1981.

Nora M. Connors, City Clerk

SIGNED and APPROVED by me upon this 27th day of January, 1981.

Francis X. McCloskey, Mayor
City of Bloomington

SYNOPSIS

This ordinance would authorize the City of Bloomington to revise financing documents for economic development revenue bonds for I.U. Retirement Community. The bonds will not exceed $12,000,000 and will be used to finance the I.U. Retirement Community on Milo B. Sampson Lane. The city has no liability for these bonds if approved.