ORDINANCE NO. 88-5

AN ORDINANCE CONCERNING THE EXPANSION AND IMPROVEMENT OF THE PARK AND RECREATION FACILITIES BY THE BLOOMINGTON BOARD OF PARK COMMISSIONERS THROUGH THE ISSUANCE AND SALE OF BONDS

WHEREAS, the City of Bloomington, Indiana ("City") is authorized by Ind. Code §36-10-4-35(h) to approve the issuance of bonds by the City's Board of Park Commissioners on behalf of the City ("Board"); and

WHEREAS, the Board has determined to issue bonds on behalf of the City in an amount not to exceed $3,800,000 to finance the acquisition of certain land for park purposes and the construction of certain improvements to park facilities ("Project"); and

WHEREAS, the improvements to the park system of the City as proposed will be of benefit to the health, safety and general welfare of the citizens of the City and its environs;

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Bloomington, Indiana that:

1. The Common Council finds and confirms that the acquisition and construction of the Project as proposed is desirable to preserve the health safety and general welfare of the citizens of the City and that it is in the public interest that the City take this action to encourage such development.

2. The Common Council further finds and confirms that the issuance and sale of bonds by the Board on behalf of the City in an amount not to exceed $3,800,000 to finance the cost of the Project and the incidental expenses to be incurred in connection therewith and with the issuance and sale of such bonds will best serve the purposes referred to above.

3. The Common Council does now approve the sale of the Park District Bonds of 1988 in an amount not to exceed $3,800,000, all in accordance with the preliminary bond resolution of the Board adopted on December 30, 1987; provided that such issuance and sale shall not occur until all of the satisfactory procedures and approvals required for the issuance of bonds have been complied with and obtained.

This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor, and promulgation as required by law.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 17th day of February, 1988.

CITY OF BLOOMINGTON, INDIANA

By: Pam Service
Pam Service, President
Bloomington Common Council

ATTEST:

Patricia Williams
Patricia Williams, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 18th day of February, 1988.

Patricia Williams
Patricia Williams, City Clerk

SIGNED and APPROVED by me upon this 18th day of February, 1988.

Tomilea Allison

Tomilea Allison, Mayor
City of Bloomington, Indiana

SYNOPSIS

This Ordinance approves the issuance and sale of the Park District Bonds of 1988 in an amount not to exceed 3.8 million dollars by the City's Board of Park Commissioners. Said bond issue shall be used to finance the acquisition of land, construction, rehabilitation and improvements to park facilities, and incidental expenses incurred in connection therewith.

**RODNEY F. BROWN**
MONROE COUNTY AUDITOR
COURT HOUSE
BLOOMINGTON, INDIANA 47401

TELEPHONE (812) 333-3510

December 8, 1987

Mrs. Patricia Williams
Bloomington City, Clerk
City Hall, East 3rd Street
Bloomington, IN 47402

Re: Park District Bond Petitions

Dear Mrs. Williams,

The Auditor's office has examined the various counter parts of the Petitions concerning the issurance of Bonds for the City Park District, as filed in this office November 24, 1987.

I hereby certify that the following information to be as correct as we can ascertain from our records.

| | |
|---|---|
| Number of Counter parts | 92 |
| Number of Legible property owners signatures | 1822 |
| Number of Illegible, non property owners, or duplication signatures | 438 |

Sincerely,

Rodney F. Brown

Rodney F. Brown
Monroe County Auditor

RFB:cja

CONFIRMATORY RESOLUTION OF THE
CITY OF BLOOMINGTON, INDIANA
BOARD OF PARK COMMISSIONERS

RESOLUTION NO. 87-8

WHEREAS, the Board of Park Commissioners ("Board") of the City of Bloomington, Indiana ("City") did at a meeting of the Board held on December 15, 1987, adopt a declaratory resolution ("Declaratory Resolution") describing its purpose to acquire certain land and to establish, construct, equip, renovate and expand the park and recreational facilities in the City;

WHEREAS, the Board gave notice by publication of a meeting to be held on December 30, 1987 at 4:30 P.M. at 349 South Walnut Street, Bloomington, Indiana, which notice was published in the Bloomington Herald-Telephone in the City and sent by certified mail to each owner of land to be appropriated and stated that a meeting would be held by the Board on this date for the purpose of receiving and hearing remonstrances from persons interested in or affected by these proceedings, including persons owning real or personal property located within the City and persons owning land to be appropriated or injuriously affected by such appropriation, and at which hearing the Board would take final action to determine the public utility and benefit of the proposed acquisition of land and construction of improvements;

WHEREAS, the Board on December 30, 1987 held such hearing and received and heard remonstrances from persons interested in or affected by these proceedings and considered the evidence presented at such hearing; and

WHEREAS, the cost of proceeding with this acquisition of land and construction of improvements and the incidental costs associated therewith and with the issuance and sale of bonds to provide funds therefor is estimated not to exceed $3,800,000;

NOW THEREFORE BE IT RESOLVED by the Board of the City that:

The Board finds and determines that it will be of public utility and benefit to undertake the proposed acquisition of land and construction of improvements as described in the Declaratory Resolution and modified by this Confirmatory Resolution.

The cost to purchase all or a portion of the parcels of land described in Exhibit A, Exhibit B and Exhibit C is hereby confirmed, subject to certain modifications which appear in this resolution in Exhibit A, Exhibit B and Exhibit C. The cost of such land will not exceed $362,000.

The estimated cost of the acquisition of all or a portion of the land described in Exhibit A, Exhibit B and Exhibit C and the various improvements described in Exhibit D to be undertaken by the Board, is hereby confirmed, subject to certain modifications which appear in this resolution in Exhibit D. The estimated cost of the acquisition of land and the improvements will not exceed $3,800,000. The estimated cost includes all necessary expenses to be incurred in connection with the proceedings and the Project, including the costs of necessary records, engineering expenses, contingencies,

inspections, publication of notices, the issuance and sale of bonds to provide funds for the Project and expenses and fees incurred in connection therewith and other necessary expenses to be incurred in connection with the acquisition of land and the letting of contracts with regard to the Project.

In all other respects the Declaratory Resolution is hereby confirmed.

Adopted this 30 day of December, 1987.

BOARD OF PARK COMMISSIONERS OF THE
CITY OF BLOOMINGTON, INDIANA

Leslie Hoppe

Richard W. Zabushie

[illegible]

Attest:

Edna Ballinger

RODNEY F. BROWN
MONROE COUNTY AUDITOR
COURT HOUSE
BLOOMINGTON, INDIANA 47401

TELEPHONE (812) 333-3510

February 22, 1988

Mr. Henry Daniel
4755 W. St. Rd. 48
Bloomington, Indiana 47401

RE: Park District Bond Petitions

Dear Mr. Daniel,

The Auditor's office has examined the various counter parts of the petitions filed against the issuance of bonds for the City Park District, as filed in this office on February 10, 1988.

I hereby certify the following information to be as correct as we can ascertain from our records:

| | |
|---|---|
| Number of counter part/pages | 132 |
| Number of legible property owner signatures | 1,073 |
| Number of illegible, non-property owners, or duplication signatures | 188 |

Sincerely,

Rodney F. Brown
Monroe County Auditor

RFB:lb

cc: Pat Williams

PRELIMINARY BOND RESOLUTION FOR
THE BOARD OF PARK COMMISSIONERS OF
THE CITY OF BLOOMINGTON, INDIANA

WHEREAS, IC 36-10-4 ("Act") authorizes a second class city to adopt the Act by ordinance and the City of Bloomington, Indiana ("City") by ordinance adopted on April 24, 1986 (Or. 86-20) has so adopted the Act and has established a Board of Park Commissioners ("Board"); and

WHEREAS, the Board of the City has determined that it will be of public utility and benefit to acquire certain land and construct certain improvements (collectively, "Project") as described in a declaratory resolution adopted by the Board on December 15, 1987 ("Declaratory Resolution"); and

WHEREAS, the Board has published notice of the adoption and content of the Declaratory Resolution in accordance with IC 5-3-1 and of a hearing on the Project to determine the public utility and benefit of the proposed Project; and

WHEREAS, the Board held a hearing on December 30, 1987 and heard remonstrances from persons interested in or affected by the proceedings, considered the evidence presented at the hearing, determined that the Project will be of public utility and benefit to the City and adopted a confirmatory resolution on that date ("Confirmatory Resolution"); and

WHEREAS, the Board has determined in the Confirmatory Resolution that the estimated cost of the Project and the incidental expenses necessary to be incurred in connection with the Project and with the issuance of bonds to finance the Project will be in the approximate amount of Three Million Eight Hundred Thousand Dollars ($3,800,000); and

WHEREAS, a petition has been presented to and filed with the Board on December 30, 1987 ("Petition") in accordance with IC 6-1.1-20-3 by more than 50 owners of taxable real estate located in the Park and Recreation District of the City ("District"), requesting the Board of issue bonds of the District in an amount not to exceed Three Million Eight Hundred Thousand Dollars ($3,800,000) for the purpose of procuring funds to be applied on the cost of the Project and the incidental expenses to be incurred in connection therewith and with the issuance and sale of such bonds;

NOW THEREFORE, be it resolved by the Board of Park Commissioners of the City of Bloomington, Indiana that:

Section 1. The Board shall proceed to acquire the land and establish, construct, and renovate the Project.

Section 2. The Board finds the petition to be sufficient under the provisions of the Act and IC 6-1.1-20-3.

Section 3. For the purpose of providing funds with which to pay the cost of the Project and the incidental expenses necessary to be incurred in connection therewith and on account of the issuance and sale of the bonds, the Board shall issue bonds of the

District in the name of the City in an amount not to exceed Three Million Eight Hundred Thousand Dollars ($3,800,000) ("Bonds"). The Bonds shall be payable from the special benefits tax to be levied under the Act. The amount of the Bonds may not exceed the estimated cost of all land to be acquired and the estimated cost of all improvements described in the Confirmatory Resolution, including all expenses described in IC 36-10-4-35. The total amount of any benefits that have been assessed by the Board and confirmed against lots and parcels of land, exclusive of improvements, lying within 2,000 feet of either side of the land to be acquired or of the improvements, however, shall be deducted from the estimated cost.

The Bonds shall be issued in denominations of $5,000 and integral multiples thereof with interest payable semi-annually. The Bonds will be payable in equal annual or semi-annual installments of one to forty years and will bear interest at a rate or rates not to exceed 10% per annum, the actual rate to be determined by bidding or through negotiation with the Indiana Bond Bank. The Bonds will be designated as "City of Bloomington Park District Bonds of 1988" and will constitute indebtedness of the District of the City, as a special taxing district payable only out of a special tax levied on all of the property of the District.

The exact terms of the Bonds shall be set forth in a final bond resolution to be adopted by the Board after approval of the Bonds by the State Board of Tax Commissioners and the Common Council of the City.

Section 4. After adoption of this resolution, the Secretary of the Board shall publish and post the notice of petition requesting issuance of the Bonds. This notice shall be published in three public places and published one time in the Bloomington Herald-Telephone. The secretary of the Board shall also publish and post notice of the determination of the Board to issue Bonds. This notice will be published two times, one week apart, in the Bloomington Herald-Telephone and posted in three public places in the City.

Adopted by the Board of Park Commissioners of the City of Bloomington, Indiana this 30 day of December, 1987.

BOARD OF PARK COMMISSIONERS OF THE
CITY OF BLOOMINGTON, INDIANA

By Leslie J. Coyne, President

Attest:

Edna Ballinger, Secretary

(Seal)