ORDINANCE 83-58

TO AUTHORIZE THE CITY OF BLOOMINGTON TO ISSUE ITS "CITY OF BLOOMINGTON ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 1983 (KENNETH L. NUNN AND LEAH KAY NUNN PROJECT)" AND APPROVE AND AUTHORIZE OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Bloomington Economic Development Commission has rendered its Project Report for the Kenneth L. Nunn and Leah Kay Nunn Project regarding the financing of proposed economic development facilities for Kenneth L. Nunn and Leah Kay Nunn and the Bloomington Planning Commission has commented favorably thereon; and

WHEREAS, the Bloomington Economic Development Commission conducted a public hearing on November 16, 1983, and also adopted a resolution on November 16, 1983, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of Kenneth L. Nunn and Leah Kay Nunn complies with the purposes and provisions of I.C. §36-7-12 and that such financing will be of benefit to the health and welfare of the City of Bloomington and its citizens and which resolution includes special findings of fact as to the competitive effect of the proposed facilities; 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 substantially final forms of and has transmitted for approval by the Common Council the Loan Agreement, Note, Mortgage and Indenture of Trust and Conditional Assignment of Conditional Sales Contract ("Assignment");

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

SECTION I. The proposed economic development facility will consist of the construction of a 4,400 square foot office facility on an approximate 1/5 acre tract of land, located at the northeast corner of West Fourth Street and South College Avenue, Bloomington, Indiana.

SECTION II. 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 revenue bonds, the loan of the proceeds of the revenue bonds to Kenneth L. Nunn and Leah Kay Nunn for the acquisition and construction of such facilities and the equipping thereof, the payment of the revenue bonds by the Note payments of Kenneth L. Nunn and Leah Kay Nunn under the Loan Agreement and Note, and the securing of said bonds by the mortgaging of such facilities to the Trustee under the Mortgage and Indenture of Trust complies with the purposes and provisions of I.C. §36-7-12 and will be of benefit to the health and welfare of the City of Bloomington and its citizens.

SECTION III. The substantially final forms of the Loan Agreement, Note, and Mortgage and Indenture of Trust approved by the Bloomington Economic Development Commission are hereby approved (herein collectively referred to as the "Financing Agreement" referred to in I.C. §36-7-12), and the substantially final form of the Assignment approved by the Bloomington Economic Development Commission is hereby approved, and all such documents 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 all such documents are on file in the office of the Clerk for public inspection.

SECTION IV. The City of Bloomington shall issue its Economic Development Revenue Bonds, Series 1983 (Kenneth L. Nunn and Leah Kay Nunn Project), in the total principal amount not exceeding Three Hundred Twenty-five Thousand Dollars ($325,000) and maturing not later than 15 years from the date of the first principal payment, which in no event may exceed thirty (30) years, 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 Mortgage and Indenture of Trust 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 Kenneth L. Nunn and Leah Kay Nunn under the Loan Agreement and Note or as otherwise provided in the above-described Mortgage and Indenture of Trust. The bonds shall be issued in fully-registered form only, may be issued in denominations of $5,000 or a multiple thereof, and shall be redeemed as provided in Article III of the Mortgage and Indenture of Trust. The final payment of principal of the bond shall be payable in lawful money of the United States of America at the principal office of the Trustee or its successor in trust and all other payments of principal and interest on the bond shall be payable by check or draft mailed or delivered to the registered owner as provided in the Mortgage and Indenture of Trust. 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 V. The Mayor and Clerk are authorized and directed to sell such bonds to the purchasers thereof at a rate of interest on the bonds not to exceed 12% (except in the event interest on the bonds becomes taxable in which event the interest rate on the bonds shall be 19%) and at a price not less than 100% of the principal amount thereof.

SECTION VI. 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 and the Assignment are 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 Trustee named in the Mortgage and Indenture of Trust, payment for the bonds will be made to the Trustee named in the Mortgage and Indenture of Trust and after such payment the bonds will be delivered by the Trustee to the purchasers thereof. The Mayor and Clerk shall execute and the Clerk shall deliver the bonds to the Trustee within ninety days of the adoption of this Ordinance. The bonds shall be dated as of December 1, 1983 or as of the first day of the month in which delivered.

SECTION VI. The provisions of this Ordinance and the Mortgage and Indenture of Trust securing the bonds shall constitute a contract binding between the City of Bloomington and any owner of the Economic Development Revenue Bonds, Series 1983 (Kenneth L. Nunn and Leah Kay Nunn 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 owners so long as any of said bonds or the interest thereon remains unpaid.

SECTION VII. This 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, Monroe County, Indiana, on this 7 day of December, 1983.

Katherine Dilcher
KATHERINE DILCHER, President
Bloomington Common Council

ATTEST:

Patricia Williams
PATRICIA WILLIAMS, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Indiana, on this 8th day of December, 1983.

Patricia Williams
PATRICIA WILLIAMS, City Clerk

SIGNED AND APPROVED by me on this 8th day of December, 1983.

Tomilea Allison
TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This Ordinance would authorize the issuance of economic development revenue bonds in the amount of $325,000 for the acquisition and construction of legal offices. The City has no liability for these bonds if approved.