RESOLUTION 83-15

INDUCEMENT RESOLUTION FOR ECONOMIC DEVELOPMENT
REVENUE BONDS FOR CHARLES E. BERTSCH AND JUNE BERTSCH

WHEREAS, the City of Bloomington, Indiana (the "Issuer") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to a company or directly owned by a company; and

WHEREAS, Charles E. Bertsch and June Bertsch, husband and wife, (the "Applicants") have advised the Bloomington Economic Development Commission (the "Commission") and the Issuer that they proposed that the Issuer either acquire, construct and equip an ecomonic development facility and sell or lease the same to them or loan the proceeds of an economic development financing to Charles E. Bertsch and June Bertsch, husband and wife, who will then lease said facility to Bertsch Vending Co., Inc., for the same, said economic development facility to consist of the acquisition of approximately 1.5 acres of land and the construction of a 7,200 square foot building on said land, for the operation of Bertsch Vending Co., Inc.'s vending business, which will then be located at Lot 16 Industrial Drive, Bloomington, Indiana ("Project"); and

WHEREAS, the diversification of industry and the saving of existing jobs and increasing of job opportunities (affecting 5 jobs) to be achieved by the construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Bloomington Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in Bloomington, Indiana;

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

SECTION I. The Common Council of the City of Bloomington finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Bloomington, Indiana is desirable to preserve the health, safety, and general welfare of the citizens of the Issuer; and that it is in the public interest that the Commission and the Issuer take such action as they lawfully may to encourage economic development, diversification of industry and promotion of job opportunities in and near the Issuer.

SECTION II. The Common Council approves, determines, ratifies and confirms that the issuance and sale of economic development revenue bonds in an amount of approximately $175,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicants or the loan of the proceeds of the revenue bonds to the Applicants, will serve the public purpose referred to above, in accordance with the Act.

SECTION III. In order to induce the Applicants to proceed with the acquisition, construction and equipping of the Project, the Common Council of the City, of Bloomington hereby approves, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds; and (iii) it will use its best efforts at the request of the Applicants to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose, as defined in I.C. 36-7-12-1, at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of I.C. 36-7-12; provided that all of the foregoing shall be mutually acceptable to the Issuer and the Appliants.

SECTION IV. All costs of the Project incurred after the adoption of this inducement resolution, including reimbursement or repayment to the Applicants of moneys expended by the Applicants for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance the Project, and the Issuer will sell or lease the same to the Applicants or loan the proceeds from the sale of the bonds to the Applicants for the same purposes. Also, certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permited to be included as part of the bond issue to finance the Project.

SECTION V. The liability and obligation of the Common Council of the City of Bloomington and the City of Bloomington, Indiana, including their officers and agents, shall be limited solely to good faith efforts to consummate such proceedings and issue such Bonds, and neither the Bloomington Common Council, nor the City of Bloomington, Indiana, or their officers or agents, shall incur any liabilities whatsoever if for any reason the proposed issuance of such Bonds is not consumated.

PASSED and ADOPTED upon this 4th day of May, 1983.

Katherine Dilcher
(Presiding Officer) Bloomington
Common Counsil

ATTEST:

Patricia Williams
City Clerk

SIGNED AND APPROVED by me upon this 5 day of May, 1983.

Tomilea Allison
Mayor

SYNOPSIS

I.C. 36-7-12 authorizes cities to issue revenue bonds for the financing of economic development facilities. Charles E. Bertsch and June Bertsch, husband and wife, would like to construct a 7,200 square foot warehouse facility at Lot 16 Industrial Drive, Bloomington, Indiana. They request that the bonds be approved for $175,000 and state that five jobs will either be saved and/or created in connection with the Project. This city has no liability for these bonds if approved.