

ORDINANCE AUTHORIZING THE CITY OF
BLOOMINGTON TO ISSUE ITS "ECONOMIC DEVELOPMENT
REVENUE BONDS, SERIES 1985
(BRYAN, OWENS, OWENS, AND STOLBERG PROJECT)"
AND APPROVING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Bloomington Economic Development Commission has rendered its Project Report for the Bryan, Owens, Owens, and Stolberg Project regarding the financing of proposed economic development facilities for E. Burritt Bryan, D. Scott Owens, James E. Owens and Eric C. Stolberg, and the Bloomington Planning Commission has commented favorably thereon; and

WHEREAS, the Bloomington Economic Development Commission conducted a public hearing on _____, 1985, and also adopted a resolution on _____, 1985, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of E. Burritt Bryan, D. Scott Owens, James E. Owens and Eric C. Stolberg 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, Note and Trust Indenture; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, 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 revenue bonds in the amount of \$60,000, the loan of the proceeds of the revenue bonds to

E. Burritt Bryan, D. Scott Owens, James E. Owens and Eric C. Stolberg for the renovation of such facilities and the equipping thereof, the payment of the revenue bonds by the note payments of E. Burritt Bryan, D. Scott Owens, James E. Owens and Eric C. Stolberg under the Loan Agreement and Note, and the securing of said bonds by the mortgaging of such facilities to the Trustees under the Trust Indenture 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 facilities will consist of the renovation and equipping of an approximate 7,500 square foot commercial office building, located at 501 East Third Street, in Bloomington, in Monroe County (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 on any similar facilities located in the City of Bloomington, and 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 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, Note and Trust Indenture 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 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 5. The City of Bloomington, Indiana shall issue its Economic Development Revenue Bonds, Series 1985 (Bryan, Owens, Owens, and Stolberg Project), in the total principal amount of Sixty Thousand Dollars (\$60,000) and maturing not later than **fifteen** years from the date of the first principal payment, which in no event may exceed fifteen (30) years, for the purpose of procuring funds to pay the costs of renovation 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 E. Burritt Bryan, D. Scott Owens, James E. Owens and Eric C. Stolberg under the Loan Agreement and Note or as otherwise provided in the above described Trust Indenture. The bonds shall be issued in fully registered form in the denomination of \$5,000 or integral multiples thereof and shall be redeemable as provided in Article III of the Trust Indenture. 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 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, 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 such bonds to the purchasers thereof at a price not less than ___ of the principal amount thereof. The bonds shall bear interest from the Issue Date to December 31, 1985 at the rate of 9 3/8% per annum and from January 1, 1986 and thereafter at the rate per annum equal to 75% of the prime rate quoted and announced by The Bloomington National Bank from time to time (except in the event interest on the bonds becomes taxable, in which case 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 Trustee named in the Trust Indenture, and payment for the bonds will be made to the Trustee named in the Trust Indenture 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 October 1, 1985, but shall bear interest from the date of delivery thereof.

Section 8. The provisions of this Ordinance shall constitute a contract binding between the City of Bloomington, Indiana and the holders of the Economic Development Revenue Bonds, Series 1985 (Bryan, Owens, Owens and Stolberg 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 said bonds or the interest thereon remains unpaid.

Section 9. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Passed and adopted this 6, day of Nov, 1985.

BLOOMINGTON COMMON COUNCIL

Patricia A. Voss
Presiding Officer

Attest:

Susan Fernandes
Clerk

Presented by me to the Mayor of the City of Bloomington, Indiana, on this 7th day of Nov, 1985, at the hour of 10 p.m.

Patricia Williams
Clerk

Approved and signed by me on this 7 day of Nov, 1985.

Tomika Allison
Mayor, City of Bloomington

SYNOPSIS

This Ordinance authorizes issuance and sale of \$60,000 of the City of Bloomington's Economic Development Bonds for the Bryan, Owens, Owens, and Stolberg Project. The Bonds are not a general obligation of the City, nor can they be repaid by taxation.