

3

RESOLUTION 79-42

Inducement Resolution for Economic Development Bonds for Seventy-seven Building Corporation for the Construction of Office Facilities at 1107-1115 N. Walnut St.

WHEREAS, the City of Bloomington, Indiana (the "City"), is authorized by IC 18-6-4.5 (the "Act") to issue revenue bonds for the purpose of financing the acquisition, installation and construction of economic development facilities; and

WHEREAS, the City has been advised that there is under construction a proposal of Seventy-seven Building Corporation, an Indiana corporation ("Company"), to remodel, construct and equip in Bloomington, Indiana, an office complex with related parking and other facilities ("Project") on real estate owned by the Company and located at 1107-1115 N. Walnut Street in Bloomington, all as described in Exhibit A hereto; and

WHEREAS, the Company has proposed that the City issue its revenue bonds under the Act to finance the acquisition, installation and construction of the Project under a financing agreement whereby the proceeds of such bonds would be utilized to acquire, install and construct the Project and the Company would make payments sufficient to pay the principal of, premium, if any, and interest on such bonds; the Company has further advised the City that a determination by the City to accept such a proposal for financing the Project will constitute a substantial inducement to the Company to proceed with the Project; and the Company has agreed to pay the costs of the City whether or not such revenue bonds are issued and the financing agreement consummated; and

WHEREAS, the Bloomington Economic Development Commission has given its approval to such financing of the Project, on the basis that the Project will cause additional employment opportunities in Bloomington, Indiana, and will be of public benefit to the health, prosperity, economic stability and general welfare of the City and its inhabitants; and

WHEREAS, subject to the required approvals under the Act, it appears that the financing of the Project will be of public benefit to the health, prosperity, economic stability and general welfare of the City and its inhabitants;

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

SECTION I. The Common Council finds and determines that the construction and equipping of an office complex and related parking and other facilities of the Company for lease to others in Bloomington, Indiana, by the acquisition, installation and construction of the Project is desirable to better the health, prosperity, economic stability and general welfare of the City and its inhabitants, that the Project complies with the purposes and provisions of the Act, and that it is in the public interest that the City take such action as it lawfully may to encourage the Company to construct and equip the office complex and related parking and other facilities.

SECTION II. The Common Council further finds and determines that the issuance and sale of revenue bonds of the City under the Act, and the use of the net proceeds derived therefrom to finance the acquisition, installation and construction of the Project, will enable the Project to be constructed and thereby serve the public purposes referred to above in accordance with the Act.

SECTION III. In order to induce the Company to proceed with the acquisition, installation and construction of the Project, the Common Council hereby undertakes that:

- (i) It will authorize and issue one or more series of revenue bonds of the City pursuant to the Act, in an aggregate principal amount not exceeding Three Hundred Fifty Thousand Dollars (\$350,000) to finance the costs of the acquisition, installation and construction of the Project, including reimbursement or repayment to the Company of any moneys expended by the Company for planning, engineering, underwriting and attorney and bond counsel fees, and will enter into a financing agreement to use the net proceeds of such bonds to acquire, install and construct the Project and lease or sell the Project to the Company for specific rent or purchase price payments sufficient to pay the principal of, premium, if any, and interest on such bonds, or to lend such net proceeds to the Company to enable it to acquire, install and construct the Project and repay the loan in installments sufficient to pay the principal of, premium, if any, and interest on such bonds;
- (ii) It will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such actions as may be necessary or advisable for the authorization, issuance and sale of such bonds; and
- (iii) It will take or cause to be taken such other actions as may be required to implement the aforesaid or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be authorized by law and mutually acceptable to the City and the Company.

SECTION IV. It is hereby recognized that the issuance and sale of revenue bonds by the City under the Act for the purposes set forth herein shall be subject to the City's obtaining such approvals as may be required under the Act.

SECTION V. To the extent permitted by the Act, such changes may be made in the Project as are deemed necessary or desirable, or as may be required in light of then existing regulations or technology, or both, provided that after such changes the Project will continue to constitute economic development facilities within the meaning of the Act and any other applicable laws or regulations.

SECTION VI. This Resolution 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 6<sup>th</sup> day of December, 1979.

*Tomilea Allison*

Tomilea Allison, President  
Bloomington Common Council

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 7<sup>th</sup> day of December, 1979.

*Nora M. Connors*

Nora M. Connors, City Clerk

SIGNED and APPROVED by me upon this 12<sup>th</sup> day of December, 1979.

*Francis X. McCloskey*

Francis X. McCloskey, Mayor  
City of Bloomington

#### SYNOPSIS

IC 18-6-4.5 authorizes the City of Bloomington to issue revenue bonds for the financing of economic development facilities. The Seventy-seven Building Corporation wants to construct office facilities at 1107-1115 N. Walnut Street in Bloomington. This resolution states that if all necessary statutory, planning, legal and financial requirements are met then the Council will pass an ordinance authorizing the issuance of bonds for construction of the facility in the amount of \$350,000. The City has no liability for these bonds if approved.

COMMITTEE REPORT SHEET

Legislative #: Appropriation Ordinance - Ordinance - Resolution 79-42

Title: In EDC Bonds for 77 Bldg. Corp. for office facility at 1107-1115 S. Walnut

Committee: Joint Mtg.  Public Facilities  Community Development

Submitted by: Pat Brown, Attorney for Petitioner

Meeting Date: 11/28/79

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Committee Recommendation:

VOTE OF AYES: 4<sup>S</sup>, NAYS: 0, FOR DO PASS RECOMMENDATION.

MIDDLETON ENTERED LATE AND ADDED HIS SUPPORT FOR A DO PASS RECOMMENDATION.

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Signatures of Councilmembers:

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|--------------------|------------|
| <u>TA</u>          | <u>AST</u> |
| <u>RWD</u>         |            |
| <u>YR</u>          |            |
| <u>AST</u>         |            |
| <u>[Signature]</u> |            |