

**RESOLUTION NO. 2019-\_\_\_\_\_**

**RESOLUTION OF THE TOWN OF YORKTOWN, INDIANA  
REGARDING DESIGNATION OF LOCAL INCOME TAX REVENUES**

WHEREAS, the Town of Yorktown (the “Town”) is the beneficiary of certain additional revenue collected and distributed for economic development purposes pursuant to Indiana Code § 6-3.5 *et seq.* (the “EDIT Tax Revenues”) and

WHEREAS, the Town has, and continues to, participate in Delaware County’s “pooled EDIT program” whereby the Town has historically designated Delaware County, Indiana (the “County”) as the recipient of all of the Town’s share of EDIT Tax Revenues; and

WHEREAS, Ind. Code § 6-3.5-6-9.5 provides that the President of the Town Council may designate the County as the recipient of the Town’s share of the EDIT Tax Revenue; and

WHEREAS, the Town Council desires to ratify, approve and direct the designation by the Town Council President of the County as the recipient of the Town’s share of EDIT Tax Revenues for the purposes and duration set forth herein; and

WHEREAS, the County has entered into a Build Operate Transfer Lease Agreement, dated March 11, 2019 (the “BOT Lease Agreement”) by and between Delaware County Justice Partners, LLC and the County; and

WHEREAS, the BOT Lease Agreement provides for the payment of costs related to the construction of certain local public improvements consisting of a jail and justice center improvements (the “Project”); and

WHEREAS, payments to be made by the County under the BOT Lease Agreement are payable from local income tax revenues available to the County, including the EDIT Tax Revenues designated for receipt by the County by the Town Council President.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF YORKTOWN, INDIANA THAT:

Section 1. The Town hereby ratifies, approves and confirms the designation of the County as the recipient of all of the Towns share of EDIT Tax Revenues for the purposes of funding the Project and for a term continuing until all amounts due and owing under the BOT Lease Agreement have been paid which is presently expected to be by January 1, 2039. Such designation is irrevocable.

Section 2. The Town Council further authorizes and directs the Town Council President, as the Executive of the Town, to execute and deliver a form of designation consistent with the terms of this Resolution to the County and to execute and deliver any additional

documents, instruments or certificates as may be necessary to evidence the designation set forth in this Resolution.

Section 3. This Resolution shall take effect immediately upon adoption by the Council.

Passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2019.

TOWN OF YORKTOWN, INDIANA

\_\_\_\_\_  
President

\_\_\_\_\_  
Vice President

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

*ATTEST:*

\_\_\_\_\_  
Lance Turner, Clerk-Treasurer

**DESIGNATION OF LOCAL INCOME TAX REVENUES**

In accordance with Indiana Code § 6-3.6-6-9.5(a)(2), he undersigned, being the duly elected and serving President of the Town Council of Yorktown, Indiana (the “Town”), as the executive of the Town, hereby designates, confirms and ratifies Delaware County, Indiana (the “County”) as the recipient all of the Town’s share of additional revenue distributed for economic development purposes to the Town under Indiana Code § 6-3.6 *et. seq.* This designation is being made for the purpose of making lease payments under that certain Build Operate Transfer Lease Agreement, dated March 11, 2019 (the “BOT Lease Agreement”) by and between Delaware County Justice Partners, LLC and the County. Such designation shall continue until all amounts due and owing under the BOT Lease Agreement have been paid which is presently expected to be by January 1, 2039. Such designation is irrevocable.

Dated: \_\_\_\_\_, 2019.

\_\_\_\_\_  
\_\_\_\_\_, President of the  
Town Council of \_\_\_\_\_, Indiana