

RESOLUTION NO. 2018-11

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YORKTOWN, INDIANA, APPROVING A LEASE BETWEEN THE YORKTOWN REDEVELOPMENT AUTHORITY AND REDEVELOPMENT COMMISSION, APPROVING A TRUST INDENTURE, APPROVING THE ISSUANCE OF LEASE RENTAL BONDS BY THE REDEVELOPMENT AUTHORITY AND OTHER MATTERS RELATED THERETO

WHEREAS, the Yorktown Redevelopment Authority ("Authority") has determined to issue its Ad Valorem Property Tax Lease Rental Bonds of 2018 ("Bonds") pursuant to a Trust Indenture between the Authority and a financial institution chosen by the Authority to serve as trustee for the Bonds ("Trustee"), anticipated to be dated as of October 1, 2018 ("Trust Indenture"), for the acquisition, construction and reconstruction of Canal Street, including sidewalks, streetscape and utility improvements ("Project") in, serving or benefiting the Yorktown Economic Development Area No.1;

WHEREAS, the Yorktown Redevelopment Commission ("Commission") anticipates that it will hold a public hearing on the proposed lease agreement between the Authority, as lessor, and the Commission, as lessee, on September 13, 2018 ("Lease");

WHEREAS, pursuant to IC 36-7-14.5-19(a) and IC 36-7-14-25.2(c), the Authority is required to receive the approval of the Town Council for the issuance of the Bonds and certain terms of the Lease and the Bonds; and

WHEREAS, pursuant to IC 36-7-14.5-21(b) and (c), the Authority must obtain the approval of the Town Council to enter into the Trust Indenture and to approve any pledge or assignment made therein;

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

Section 1. The Town Council hereby approves the issuance of the Bonds by the Authority in an aggregate principal amount not to exceed \$4,995,000, with a term ending no later than January 15, 2040, at a maximum interest rate of six percent (6%) per annum (actual rates will be determined by negotiation).

Section 2. The Bonds are redeemable at the option of the Commission, on thirty (30) days' notice, in whole or in part, in the order of maturity as determined by the Authority and by lot within maturities, at face value, without premium, beginning no sooner than five years after their date of issuance, plus accrued interest to the date fixed for redemption, and shall be subject to mandatory sinking fund redemption as determined upon the sale of the Bonds.

Section 3. The Town Council hereby approves the execution of the Lease following the public hearing, with a maximum annual rate of \$300,000 payable semiannually on July 1, 2019 through and including January 1, 2020 ("Interim Period"), and at the end of the Interim Period, the maximum annual lease rental of \$450,000, plus \$5,000 for trustee and other administrative fees, for a maximum term not to exceed twenty (20) years.

Section 4. The Town Council hereby approves the execution of the Trust Indenture by the Authority with the Trustee and hereby approves the pledge of: (i) the funds established by the Trust Indenture; (ii) the interest earnings on such funds; and (iii) the lease rentals provided for under the Lease, which lease rental are payable from a Special Benefits Tax (as defined in the Lease).

Section 5. This resolution shall be in full force and effect from and after its passage.

Passed and adopted by the Town Council of the Town of Yorktown, Indiana, this 20th day of August, 2018.

TOWN COUNCIL OF THE TOWN OF  
YORKTOWN, INDIANA

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(SEAL)

Attest:

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Clerk-Treasurer