

RESOLUTION NO. 2020-5

BOARD OF COMMISSIONERS OF
LAPORTE COUNTY, INDIANA

WHEREAS, the LaPorte County Building Corporation ("Corporation") has been organized pursuant to the Indiana Non-Profit Corporation Act of 1991 for the purpose of acquiring a site or sites, renovating, constructing, expanding and equipping governmental buildings, including a building or buildings to be used as a county courthouse, together with all necessary appurtenances, related improvements and equipment (collectively, "Project") for use by LaPorte County, Indiana ("County"); and

WHEREAS, the Board of Commissioners ("Board") of the County has investigated the need for funding the renovation and expansion of the Project to be located in the County; and

WHEREAS, it is deemed desirable to proceed with the necessary negotiations and all other steps looking toward the completion of the Project by the Corporation and the lease of the Project to the County; and

WHEREAS, drawings, plans, specifications and estimates for the renovation and expansion of the Project have been prepared and submitted to the Board and meet with the approval of the Board; and

WHEREAS, a petition in six (6) counterparts, signed by fifty (50) taxpayers of the County has been filed with the Board requesting the renovation and expansion of the of the Project by the Corporation and leasing the Project from the Corporation; and

WHEREAS, such petition has been carefully considered and investigations have been conducted by this Board, both before and after the filing of said petition; and

WHEREAS, pursuant to IC 36-1-10 a leasing entity is required to own the real estate to be leased to the County and the County is required to have the value of the land determined by two independent appraisers; and

WHEREAS, a proposed lease ("Lease") for the Project with the Corporation has been drafted and submitted; and

WHEREAS, the Lease provides that lease rentals will be payable from and constitute a first charge against the County's certified shares set forth in IC 6-3.6-6-4(3) ("Certified Shares") and, to the extent the Certified Shares are not sufficient, from an ad valorem property tax levied on all property taxpayers in the County; and

WHEREAS, based on reports the County has received from its municipal advisor, the County expects that the Certified Shares will be sufficient to pay the rentals due under the Lease; and

WHEREAS, the County does not expect to levy a tax to pay the rentals under the Lease and therefore will not be financing a controlled project within the meaning of IC 6-1.1-20; and

WHEREAS, it now appears to this Board that the Project provides the necessary facilities for the citizens of the County, and that the proposed Lease with the Corporation, as Lessor, provides for fair and reasonable rentals;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF LAPORTE COUNTY, INDIANA, THAT:

Section 1. The Board hereby determines, after investigation, that a need exists for the Project. The Board hereby further determines that, in order to move forward with the Project, it intends to approve funding needed for the renovation and expansion of the Project and/or support other governmental bodies or departments of the County in funding, renovating and expanding the Project.

Section 2. Providing for the financing of the Project by the Corporation and the leasing of same to the County is in the public interest of the citizens of the County and it is a proper public purpose for which the Board agrees to cooperate with the Corporation and to assist it in fulfilling the requirements of all agencies of the federal, state and County governments.

Section 3. The terms and conditions of the proposed form of the Lease and the estimates, plans and specifications are approved and agreed to as the basis for a hearing, as required by law, and that such hearing should be held by this Board upon the necessity for the execution of such Lease and whether the lease rentals provided therein are fair and reasonable rentals for the proposed Project, prior to final determination of such questions, so that this Board may determine whether to execute such Lease as now written, or as modified, said hearing to be held April 15, 2020 at 6:00 p.m. in the County Complex Room #3, 809 State Street, LaPorte, Indiana.

Section 4. The Auditor is authorized and directed to publish a notice of such hearing as required by law.

Section 5. The petition of taxpayers heretofore filed with this Board is hereby approved.

Section 6. Upon the redemption or retirement of the bonds to be issued by the Corporation, the County will accept from the Corporation title to such Project, free and clear of any and all liens and encumbrances thereon except those liens and encumbrances that may exist and are set forth in the Lease.

Section 7. The Board hereby approves the appointment of two independent appraisers to determine the fair market value of the real property upon which the Project will be constructed.

Section 8. The Lease will be for a maximum term of eighteen (18) years from the date of completion of the Project, with maximum annual Interim Rentals (as defined in the Lease) of \$725,000 payable semiannually beginning January 15, 2021 and ending upon completion of the Project ("Interim Period"). At the end of the Interim Period, the Lease calls for maximum annual lease rentals of \$1,450,000, beginning on the later of completion of the Project or January 15, 2021. The purpose of the Lease is to provide for the financing and completion of the Project.

Section 9. It is proper and in the public interest of the residents of the County to ratify the incorporation of the Corporation for the purpose of acquiring a site or sites, renovating, constructing, expanding and equipping governmental buildings, including a building or buildings to be used as a county courthouse and the necessary equipment and appurtenances, including acquiring land and an existing building or buildings and demolition of, constructing, improving, or expanding the same, leasing governmental facilities, including a building or buildings to be used as a county courthouse, located in the County and leasing it to the County.

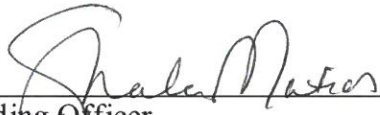
Section 10. The Articles of Incorporation and By-Laws of the Corporation, presented to and now before this Board, are hereby ratified and approved.

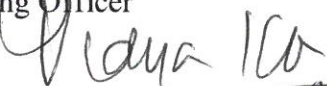
Section 11. The following have been appointed to serve as the initial directors of the Corporation: Jack Arnett, Peggy W. Thomas and Katie Eaton.

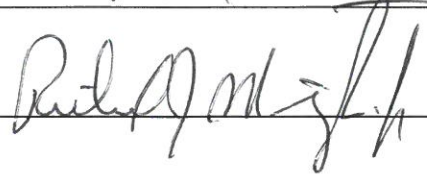
Section 12. This resolution shall be in full force and effect from and after its passage.

Passed and adopted by the Board of Commissioners of LaPorte County, this 18th day of March, 2020, by a vote of 3 ayes and 0 nays.

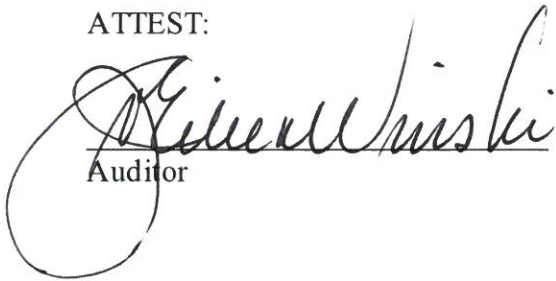
BOARD OF COMMISSIONERS OF LAPORTE COUNTY, INDIANA



Presiding Officer




ATTEST:



Auditor