

RESOLUTION NO. 2020-22

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF LAPORTE COUNTY, INDIANA AWARING A BUILD OPERATE TRANSFER (“BOT”) AGREEMENT WITH RESPECT TO RAIL FACILITIES IN THE KINGSBURY INDUSTRIAL PARK AND APPROVING AND AUTHORIZING EXECUTION OF THE BOT AGREEMENT

WHEREAS, the LaPorte County Redevelopment Commission (the “Commission”), as the governing body for the LaPorte County Redevelopment District (the “District”) has previously determined to utilize the provisions of IC 5-23 to advance economic development and redevelopment in LaPorte County, Indiana (the “County”); and

WHEREAS, the Commission has solicited and reviewed proposals for a Build Operate Transfer Agreement (the “BOT Agreement”) to provide for (i) the construction of certain additional rail improvements, (ii) the provision of rail switching operations, and (iii) transfer to the County of such newly constructed rail improvements in the Kingsbury Industrial Park located in the County; and

WHEREAS, at a meeting held on August 26, 2020, the Commission, on a motion duly adopted, recommended the acceptance of the proposal for the BOT Agreement submitted by JBC Rail Services, Inc. (the “Offeror”), in substantially the form presented to the Commission on the date thereof (the “Proposal”); and

WHEREAS, pursuant to IC 5-23-5-9, the Board of Commissioners of the County (the “Board of Commissioners”) has published a notice of a public hearing with respect to the Commission’s recommendation to accept the Proposal (the “Public Hearing”); and

WHEREAS, the Board of Commissioners has held the Public Hearing on the date hereof and considered all public comments with respect to the recommendation to accept the Proposal;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of LaPorte County, Indiana, as follows:

1. Pursuant to IC 5-23-5-11, the Board of Commissioners hereby determines that the most appropriate response to the request for proposals is to accept the Proposal and award the BOT Agreement to the Offeror, with such terms as are set forth in the Proposal, with such changes as the President of the Board of Commissioners (the “President”) deems necessary or advisable.

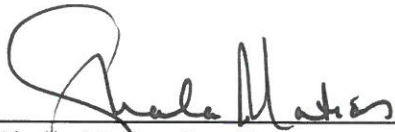
2. The Board of Commissioners hereby approves the BOT Agreement in the form submitted to this meeting and authorizes and approves of the execution of the BOT Agreement in such form with such changes as the President deems necessary or advisable. The Board of Commissioners and the Commission are hereby further authorized to execute and deliver such certificate and agreements necessary to affect the transactions contemplated by the BOT Agreement.


3. This resolution shall take effect immediately upon its adoption by the Board of Commissioners.

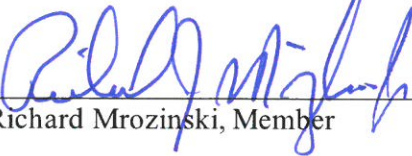
ORIGINAL


ADOPTED on this 7th day of October, 2020, by the Board of Commissioners of LaPorte County, Indiana.

Board of Commissioners

By: 
Sheila Matjas, President

By: 
Vidya Kora, Vice President

By: 
Richard Mrozinski, Member


Chief Deputy Auditor
Attest