

RESOLUTION NO. FCR 2018-4

RESOLUTION OF THE BOARD OF COMMISSIONERS OF FLOYD COUNTY, INDIANA RECEIVING AND APPROVING THE PETITION OF TAXPAYERS REQUESTING THE LEASING OF THE JAIL AND THE CITY/COUNTY BUILDING AND TAKING OTHER ACTIONS REGARDING THE PROPOSED LEASE

WHEREAS, a petition signed by fifty (50) or more taxpayers of Floyd County, Indiana (the "County") has been filed with the Board of Commissioners of the County (the "Board") requesting the Board (1) to enter into negotiations with a nonprofit building corporation for all or any portion of the financing of the acquisition, construction, improvement, rehabilitation and/or equipping of all or any portion of the jail and the existing city/county building, located at 311 Hauss Square, New Albany, IN 47150, and any related improvements, all to be used for the purposes of providing for or remodeling of administrative offices, and law enforcement or criminal justice services by the County, and (2) to enter into a lease between the Building Corporation, as lessor, and the County, as lessee, for all or a portion of the Project, including the site and appurtenances thereto (the "Premises") (clauses (1) and (2), collectively, the "Project"); and

WHEREAS, such petition has been carefully considered and investigations have been conducted by this Board; and

WHEREAS, the Board now finds that a need exists for the Project, and that the County cannot provide the necessary funds to pay the costs of the Project to meet such needs; and

WHEREAS, the Floyd County, Indiana Government Facility Building Corporation (the "Building Corporation") shall be incorporated to assist the County in financing, from time to time, the construction and renovation of County facilities to be operated by the County, including the Project; and

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

WHEREAS, there are being prepared drawings, plans, specifications and estimates for the costs of the Project; and

WHEREAS, said drawings, plans and specifications will be submitted to the agencies designated by law to pass on plans and specifications for such buildings, and the estimates for the costs of the Project will be submitted to and will require approval of this Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF FLOYD COUNTY, INDIANA, that:

Section 1. The petition of taxpayers heretofore filed with this Board is hereby approved.

Section 2. Need exists for the Project, and the Project cannot be provided from any funds available to the County, and this Board shall proceed to take such steps as may be necessary to secure (1) the acquisition of all or any portion of the Premises by the Building Corporation, if necessary, (2) the payment of all costs of the Project and all of the costs associated therewith by the Building Corporation and the County, and (3) the leasing of all or any portion of the Premises by the Building Corporation to the County as provided by Indiana Code 36-1-10, as amended, with a term not to exceed twenty (20) years from the date the Bonds (as hereinafter defined) are issued.

Section 3. The Project is in the public interest of the citizens of the County and is a proper public purpose for which this Board agrees to cooperate with the Building Corporation and assist it in fulfilling the requirements of all agencies, including the federal, state and city governments.

Section 4. The County Attorney is authorized to establish the Building Corporation, pursuant to the applicable laws of the State of Indiana.

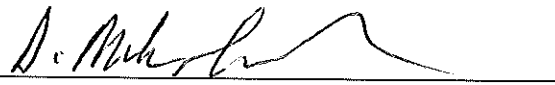
Section 5. Any member of the Board or officer or attorney of the County be, and hereby is, authorized pursuant to Indiana Code 36-1-10-11, to appoint appraisers (the "Appraisers") to determine the fair market value of the Premises. Following the issuance of each series of the Bonds and upon receipt of cash in an amount not less than the amount fixed by the Appraisers as the fair market value of the Premises, the President of the Board be, and hereby is, authorized and directed, in the name and on behalf of the County, to execute and deliver one or more special warranty deeds conveying title to all or a portion of the Premises to the Building Corporation.

Section 6. Any officer of the County be, and hereby is, authorized, empowered and directed, on behalf of the County to publish notices of said public hearings or to take any other action as such officer deems necessary or desirable to effectuate the foregoing resolutions, and any such publication or other actions heretofore made or taken be, and hereby are, ratified and approved.

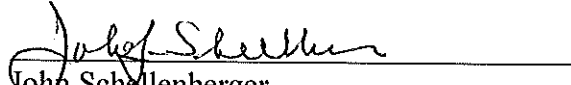
Section 7. This Resolution takes effect upon passage.

Passed and adopted by the Board of Commissioners of Floyd County, Indiana on the 6 day of February, 2018.

BOARD OF COMMISSIONERS OF
FLOYD COUNTY, INDIANA



D. Mark Seabrook, President




John Schellenberger



Billy Stewart

ATTEST:



Scott Clark, Auditor