

RESOLUTION NO. 2019-37

RESOLUTION OF THE CITY OF FRANKLIN REDEVELOPMENT COMMISSION AUTHORIZING THE EXECUTION OF A LEASE BETWEEN THE CITY OF FRANKLIN REDEVELOPMENT AUTHORITY AND THE CITY OF FRANKLIN REDEVELOPMENT COMMISSION AND RELATED MATTERS

WHEREAS, the City of Franklin Redevelopment Authority (the “Authority”) has been created pursuant to IC 36-7-14.5 as a separate body corporate and politic, and as an instrumentality of the City of Franklin, Indiana (the “City”) to finance local public improvements for lease to the City of Franklin Redevelopment Commission (the “Commission”); and

WHEREAS, the Commission has given consideration to the completion of all or a portion of (i) the acquisition of real property and the design and construction of intersection and corridor improvements to U.S. 31, from South Main Street to Israel Lane, including pedestrian crossings and trails, and related improvements and incidental expenses; and (ii) the acquisition of real property and the design and construction of the development of approximately twelve acres as an events space and Amphitheater Park located southwest of the courthouse square, particularly at the west terminus of Monroe Street and south to Young’s Creek, including pedestrian crossings and trails, and related improvements and incidental expenses (collectively, the “Projects”); and

WHEREAS, in order to better serve the residents of the City and finance all or any portion of the Projects, on June 12, 2019, the Commission adopted a resolution approving the form of proposed lease (the “Lease”) between the Authority and the Commission for the lease of all or any portion of (i) North Main Street between US 31 North and Jefferson Street, and (ii) the roundabout constructed at the intersection of Arvin Road, Hurricane Road, and Eastview Drive (the “Leased Premises”); and

WHEREAS, the Commission scheduled a public hearing regarding the Lease to be held on June 18, 2019 and published notice of such public hearing on the Lease; and

WHEREAS, on this date said public hearing has been held and all interested parties have been provided the opportunity to be heard at the hearing; and

WHEREAS, the Commission intends to pay fixed annual rental payments to the Authority (the “Rental Payments”) pursuant to the terms of the Lease, at a rate not to exceed Six Hundred Seventy-Five Thousand Dollars (\$675,000) per year in semiannual installments throughout the term of the Lease; and

WHEREAS, such lease rentals are payable from the local income tax revenues distributed to the City as the certified shares component of additional revenue derived from the expenditure rate tax under IC 6-3.6, or at the Commission’s option, any other revenues legally available to the Commission; and

WHEREAS, the Commission has received on the date hereof information demonstrating that the amount financed through the Lease will not be less than the value of the Leased Premises, including the costs of financing the acquisition of the Leased Premises; and

WHEREAS, on June 3, 2019, the Common Council of the City adopted a resolution approving the Lease, pursuant to IC 36-7-14-25.2; and

WHEREAS, subject to the satisfaction of all statutorily required processes, the Commission desires to approve the execution of the Lease and authorize the publication, in accordance with IC 36-7-14-25.2, of notice of execution of the Lease.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FRANKLIN REDEVELOPMENT COMMISSION AS FOLLOWS:

1. The Commission hereby finds and determines that the terms of the Lease are based upon the value of the Leased Premises (as defined in the Lease), that the Rental Payments to be paid by the Commission, pursuant to the terms of the Lease, at a rate not to exceed Six Hundred Thousand Seventy-Five Thousand Dollars (\$675,000) per year, are fair and reasonable, and that the financing of the Projects and the use of the Leased Premises throughout the term of the Lease will serve the public purpose of the City and are in the best interests of its residents.

2. The Projects are hereby approved.

3. The President, Vice President and the Secretary of this Commission are hereby authorized and directed, on behalf of the Commission, to execute and deliver the Lease in substantially the form presented at this meeting with such changes in form or substance as the President or Vice President of this Commission shall approve, such approval to be conclusively evidenced by the execution thereof; provided that the Rental Payments shall not exceed the amount set forth in paragraph 1 hereof.

4. The Commission hereby authorizes the publication, in accordance with IC 36-7-14-25.2, of the notice of execution and approval of Lease.

5. The President, Vice President and Secretary of this Commission, and each of them, is hereby authorized and directed to take all such further actions and to execute all such instruments as are desirable to carry out the transactions contemplated by this Resolution, in such forms as the President, Vice President or Secretary executing the same shall deem proper, such desirability to be conclusively evidenced by the execution thereof.

6. This Resolution shall be in full force and effect after adoption by the Commission.

DULY ADOPTED on this 18th day of June, 2019, by the Redevelopment Commission of the City of Franklin, Johnson County, Indiana.

Robert Heuchan, President

Richard Wertz, Vice President

Brian J. Deppe, Secretary

Drew Eggers, Member

Paul Buening, Member

Attest:

Jayne W. Rhoades,
Clerk-Treasurer of the City of Franklin, Indiana