

RESOLUTION NUMBER 2023-07

**APPROPRIATION RESOLUTION OF THE CITY OF FRANKLIN
REDEVELOPMENT COMMISSION**

**Appropriating \$587,500.00 for Required Lease Payments Relative to the
Franklin Redevelopment Authority Lease Rental Revenue Bonds, Series 2019
“Lease Rental Revenue Bond Issuance Project”**

WHEREAS, the Franklin Redevelopment Commission (the “Commission”) serves as governing body of the Franklin Redevelopment District (the “District”), pursuant to Indiana Code 36-7-14 *et seq.*, as amended (the “Act”);

WHEREAS, the Commission, pursuant to Indiana Code 36-7-14 *et seq.*, as amended (the “Act”); has previously established U.S. 31 Economic Development Area (the “Area”), as amended; has designated within the U.S. 31 Development Area certain allocation areas for purposes of capturing tax increment; has created an allocation fund or funds (the “Allocation Fund”) for the allocation areas into which the tax increment is deposited; and has approved the U.S. 31 Economic Development Plan for the U.S. 31 Economic Development Area (the “Plan”), as amended; and

WHEREAS, the Commission previously considered 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”);

WHEREAS, the Commission adopted Resolution No. 2019-37 on June 18, 2019, and approved the Projects and the terms of the proposed lease between the City of Franklin Redevelopment Authority (“Lessor”) and the Commission, as lessee, to finance all or any portion of the Projects (“Lease”);

WHEREAS, the Common Council of the City of Franklin adopted Resolution No. 19-06 approving the Lease, pursuant to I.C. 36-7-14-25.2;

WHEREAS, the costs of the Projects are to be paid from proceeds of bonds issued by the Lessor, RDA Lease Rental Revenue Bonds, Series 2019;

WHEREAS, Lessor pledged annual rentals to be paid under the Lease to pay debt service on and other necessary incidental expenses of the Lessor relating to the RDA Lease Rental Revenue Bonds, Series 2019;

WHEREAS, pursuant to the terms of the Lease, the rental payments due under the Lease may be payable from any revenues legally available to the Commission including, but not limited to, any tax-increment revenues collected by the Commission from allocation areas within the Area;

WHEREAS, pursuant to Section 39 of the Act, the Commission previously designated the following allocation areas within the Area:

- U.S. 31 North Allocation Area;
- U.S. 31 South Allocation Area;
- U.S. 31 North Amended Allocation Area

(collectively referred to as “Allocation Areas”);

WHEREAS, Section 2 of the Lease requires the Commission to pay fixed rental payments and additional rental payments in the amounts set forth therein in semi-annual installments;

WHEREAS, under Section 3 of the Lease, all rentals payable under the Lease shall be paid by the Commission to the bank or trust company designated as trustee (“Trustee”) under the Trust Indenture between it and the Lessor (“Indenture”), or to such other bank or trust company as may from time to time succeed such bank or trust company as Trustee under the Indenture securing the bonds issued by the Lessor to finance the acquisition and construction of the leased premises and all payments so made by the Commission shall be considered as payment to the Lessor of the rentals payable under the Lease;

WHEREAS, the Commission finds that there are insufficient funds available or provided for in the existing budget and tax levy to provide funds for the required rental payments related to the Projects; and

WHEREAS, notice of a hearing on said appropriation has been duly given by publication and posting as required by law, and the hearing on said appropriation has been held, at which all taxpayers had an opportunity to appear and express their views as to such appropriation.

NOW, THEREFORE, BE IT RESOLVED by the City of Franklin Redevelopment Commission, that:

1. There is hereby appropriated for the purpose of paying rental payments and expenses related to the Projects under the terms of the Lease, an amount not to exceed Five Hundred Eighty-Seven Thousand Five Hundred Dollars (\$587,500.00) of tax increment revenues collected from the Allocation Areas. Such appropriation shall be in addition to all appropriations provided for in the existing budget and shall continue in effect until the completion of the described purposes.

2. The Clerk-Treasurer of the City of Franklin, Indiana is hereby authorized to disburse the monies from the Allocation Fund of each Allocation Area to the Principal and Interest Account of the Sinking Fund created pursuant to Resolution No. 19-06 of the Common Council of the City of Franklin to be used and withdrawn for the purpose of paying the lease rental and interest due under the Lease.

3. The Mayor and Clerk-Treasurer of the City, the officers of the Commission and the Director of the Department of Community Development, are hereby authorized and directed

to take such further actions and execute such documents, as they deem necessary or advisable to effectuate the authorizations set forth in this Resolution.

4. This Resolution shall take effect immediately upon adoption by the Commission.

DULY ADOPTED on this 17th day of January, 2023, by the Redevelopment Commission of the City of Franklin, Johnson County, Indiana.

Richard Wertz

Anne McGuinness

Brian J. Deppe

Paul Buening

Josh Prine

Attest:

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