

RESOLUTION NO. 3277

RESOLUTION OF THE SOUTH BEND REDEVELOPMENT COMMISSION ESTABLISHING CERTAIN FUNDS AND ACCOUNTS IN CONNECTION WITH THE LEASE DATED AS OF FEBRUARY 1, 2015, BETWEEN THE SOUTH BEND REDEVELOPMENT COMMISSION AND THE SOUTH BEND REDEVELOPMENT AUTHORITY

WHEREAS, the South Bend Redevelopment Commission (the "Commission"), governing body of the City of South Bend, Indiana, Department of Redevelopment (the "Department") and the Redevelopment District of the City of South Bend, Indiana (the "Redevelopment District"), exists and operates under the provisions of the Redevelopment of Cities and Towns Act of 1953 which has been codified in Indiana Code 36-7-14 et seq., as amended from time to time (the "Act"); and

WHEREAS, the City of South Bend Redevelopment Authority (the "Authority") has been created pursuant to Indiana Code 36-7-14.5 as a separate body corporate and politic, and as an instrumentality of the City of South Bend, Indiana (the "City"), to finance local public improvements for lease to the Commission pursuant to Section 25.2 of the Act and Indiana Code 36-7-14.5; and

WHEREAS, the Commission has previously designated and declared an area in the City, known as the River West Development Area to be an economic development area and an allocation area (collectively, the "Area") for the purpose of collecting tax increment finance revenues (the "TIF Revenues"), adopted an Economic Development Plan, and established an allocation fund for said Area; and

WHEREAS, the Authority intends to issue its lease rental revenue bonds in the aggregate principal amount not to exceed Twenty-five Million and 00/100 Dollars (\$25,000,000.00), pursuant to Indiana Code 36-7-14.5-19 and a trust agreement (the "Trust Agreement") to be entered into by the Authority and a trustee to be selected by the Authority, to be known as the "South Bend Redevelopment Authority Lease Rental Revenue Bonds of 2015" (the "Bonds"), the proceeds of which are to be used to finance the acquisition, construction and installation of certain local public improvements as part of the City's Smart Streets initiative and Westside Main Streets Revitalization Plan which local public improvements shall consist of all or any portion of the acquisition, construction and installation of the following: pavement, streetscape, and sidewalk improvements, bulb-out installation, street signage and markings, installation of bicycle facilities, road widening, intersection and traffic signal interconnection improvements, utility relocation, utility and sidewalk improvements, and installation of lighting and right-of-way improvements, all of which local public improvements are to be located along the following stretches of road: (i) Bartlett Street between Lafayette Blvd and Riverside Drive; (ii) Michigan Street between Riverside Drive and Barbie Street; (iii) Main Street between Park Lane and Barbie Street; (iv) St. Joseph Street between LaSalle Avenue and Western Avenue; (v) Lafayette Blvd between Park Lane and Indiana Avenue; (vi) Western Avenue between Michigan Street and Mayflower Road; (vii) Lincolnway West between West LaSalle Avenue and the City limits (Woodland Avenue);

(viii) Marion and Madison Streets between Michigan Street and Lincolnway West; and (ix) any cross streets related to the foregoing stretches and various expenses related thereto (collectively, the "Project") and to pay the cost of issuance of the Bonds; and

WHEREAS, the Authority intends to lease the Project to the Commission pursuant to a lease dated as of February 1, 2015, as may be amended from time to time (the "Lease"), which Lease was heretofore approved by this Commission; and

WHEREAS, in order for the Authority to proceed with the issuance of its Bonds, it is necessary for the Commission to establish certain funds and accounts for the payment of the rentals owed by the Commission pursuant to said Lease;

NOW, THEREFORE, BE IT RESOLVED, by the South Bend Redevelopment Commission as follows:

1. The Commission hereby creates and establishes a River West Development Area Project Principal and Interest Account (the "Lease Account") in the Redevelopment District Bond Fund, previously created by the Commission, to pay the rentals owed by the Commission pursuant to the Lease as the same may be amended by an Addendum.

2. The Commission shall levy in each calendar year beginning in the year prior to the first calendar year in which the Commission is required to pay lease rentals pursuant to the Lease, a special tax upon all of the taxable property in the Redevelopment District in a total amount sufficient, together with all other funds (other than special taxes) including, without limitation, the TIF Revenues deposited in the Lease Account during the previous 12 calendar months prior to August 1 of such calendar year (in determining whether such levy is necessary, the Commission may also take into account any funds on deposit in any reserve fund established by the Authority in the Trust Agreement with respect to the Bonds), to pay all lease rental payments payable in the 12-month period beginning on July 1 of the following calendar year pursuant to Section 4 of the Lease. The proceeds of such special tax shall be deposited in the Lease Account, and such taxes and any other funds, including, without limitation, the TIF Revenues deposited in the Lease Account shall be irrevocably pledged for the purposes set forth in this Resolution. It is the expectation of the Commission that sufficient TIF Revenues will be available to make such lease rental payments under the Lease when due, without having to resort to the levy of the special tax provided herein.

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

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ADOPTED AND APPROVED at a meeting of the South Bend Redevelopment Commission held on the 26th day of February, 2015.

**CITY OF SOUTH BEND,
DEPARTMENT OF REDEVELOPMENT**

Signature

Printed Name and Title

South Bend Redevelopment Commission

ATTEST:

Signature

Printed Name and Title

South Bend Redevelopment Commission