

RESOLUTION NO. 02-09  
[Lebanon Manor Apartments]

**ORIGINAL**

A RESOLUTION OF THE COMMON COUNCIL OF  
THE CITY OF LEBANON, INDIANA PROVIDING  
PRELIMINARY APPROVAL OF THE ISSUANCE OF BONDS  
FOR THE PURPOSE OF PROVIDING FINANCING OF  
CERTAIN ECONOMIC DEVELOPMENT FACILITIES  
KNOWN AS LEBANON MANOR VILLAGE APARTMENTS

**FILE**

WHEREAS, the City of Lebanon, Indiana (the "City") is authorized by I.C. 36-7-11.9 and 12, as supplemented and amended (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition and rehabilitation of said facilities, and said facilities to be either leased to another person or directly owned by another person; and

WHEREAS, Community Reinvestment Foundation-VII, Inc., or its assigns (the "Applicant") has requested of the Lebanon Economic Development Commission (the "Commission") and the City that the City issue and sell one or more series of its economic development revenue bonds for the purpose of providing financing to the Applicant in an amount not to exceed \$2,600,000, for certain economic development facilities consisting of the acquisition and rehabilitation of the existing 78-unit multifamily rental housing project known as Lebanon Manor Village Apartments, located in the City at 770 West Maple Drive (the "Project"), and the City wishes to induce the Applicant to construct and equip the Project; and

WHEREAS, it appears that the retention of opportunities for gainful employment, the creation of business opportunities and the providing of affordable rental housing to be achieved by the project will serve a public purpose and will be of benefit to the health and general welfare of the City; and

WHEREAS, the Project will be owned and operated by the Applicant and will continue to be used as multifamily residential rental units;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council (the "Common Council") of the City as follows:

SECTION 1. The Common Council finds, determines, ratifies and confirms that the retention of opportunities for gainful employment, the creation of business opportunities and the

providing of affordable rental housing to be achieved by the Project in the City will be of benefit to the health and general welfare of the citizens of the City; and that it is in the public interest that this Common Council take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said City.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of one or more series of economic development revenue bonds of the City under the Act in an amount not to exceed \$2,600,000 for the Project and the loan of the proceeds of the revenue bonds to the Applicant will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the Project, the Common Council hereby finds, determines, ratifies and confirms that:

(i) It will take or cause to be taken such actions pursuant to the Act as may be reasonably required to implement the aforesaid financing, or as it may deem reasonably appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Applicant; and

(ii) It will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be reasonably necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, construction and equipping of the Project, including reimbursement or repayment to the Applicant of moneys expended prior to the adoption by the Common Council of this resolution will be permitted to be included as part of the Project costs to be financed out of the loan of the proceeds from the sale of the bonds to the extent permitted by the Act and applicable regulations promulgated under the Code.

SECTION 5. All action taken and approvals given by the City with regard to the Applicant, are based upon the evidence submitted and representations made by the applicant, its agents or counsel to the Commission and the City. No independent examination, appraisal or inspection of the Project was made, requested, or is contemplated by the City.

SECTION 6. The City does not, by this or any other approval or finding, guarantee, warrant or even suggest that the bonds, coupons or series thereof will be a reasonable investment for any person, firm or corporation.

SECTION 7. The City shall not be obligated, directly or indirectly, to see to the application or use of the proceeds from the sale of the bonds or to see that the contemplated improvements, if any, are constructed. The City is in no way responsible to the holders of any bonds for any payment obligation created by the bonds.


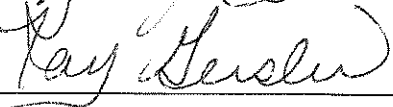
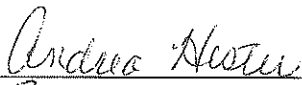
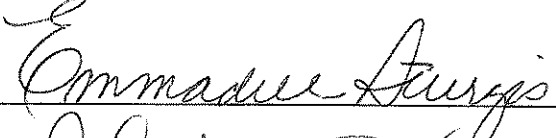
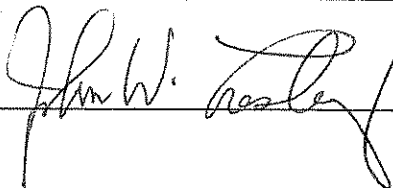
SECTION 8. The City does not warrant, guarantee or even suggest that interest to be paid to or income to be received by the holders of any bond, coupon, or series thereof is exempt from taxation by any local, state or federal government.

SECTION 9. The bonds shall be special, limited obligations of the City payable solely from the funds provided therefor as described in the indenture authorizing the bonds, and shall not constitute an indebtedness of the Commission or the City or a loan of the credit thereof.

SECTION 10. This resolution does not constitute a binding obligation of the Commission or the City to issue the bonds, but instead, is a commitment by the City to proceed with negotiations for the financing described herein with the Applicant and is subject to the adoption of a bond ordinance by the City in accordance with the provisions of the Act.

SECTION 11. This resolution shall be in full force and effect upon adoption and compliance with I.C. 36-4-6 et seq.

Adopted by the Common Council this 12<sup>th</sup> day of August, 2002.

  
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James K. Weber

Harold "Huck" Lewis

James H. Acton

James H. Acton, Mayor

ATTEST:

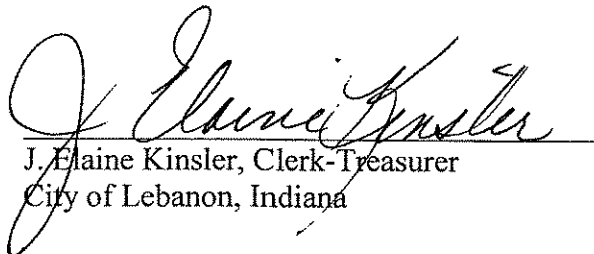
J. Elaine Kinsler  
J. Elaine Kinsler, Clerk-Treasurer  
City of Lebanon

CERTIFICATE OF CLERK-TREASURER

I, J. Elaine Kinsler, hereby certify that I am the duly qualified and acting Clerk-Treasurer of the City of Lebanon, Indiana, that the foregoing Resolution is a true copy of a Resolution introduced and enacted at a properly convened meeting of the Common Council of the City of Lebanon, Indiana on August 12, 2002, signed by the members of the Common Council, approved by the Mayor of the City, and attested by me as Clerk-Treasurer, as shown by the official records in my custody and under my control.

I further certify that said meeting was duly held in accordance with all applicable requirements of Indiana law, that a quorum was present at said meeting, that said Resolution has not been modified, amended, revoked or repealed, and that same is now in full force and effect.

IN WITNESS WHEREOF, I have hereto set my hand as Clerk-Treasurer and the official seal of the City this 12<sup>th</sup> day of August, 2002.

  
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J. Elaine Kinsler, Clerk-Treasurer  
City of Lebanon, Indiana

(SEAL)

IM-407501.2