

RESOLUTION 2021-12

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF LEBANON,
INDIANA, APPROVING RUNNEBOHM CONSTRUCTION COMPANY, INC. AND
GM DEVELOPMENT COMPANIES, LLC FOR A BOT AGREEMENT
(LEBANON SHELL BUILDING)**

WHEREAS, the City of Lebanon ("City") is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council ("Council");

WHEREAS, Indiana Code 5-23 (the "Act") authorizes political subdivisions to adopt certain powers with respect to the consideration and entry into BOT agreements (as defined in the Act);

WHEREAS, on February 22, 2021, the Council adopted Resolution 2021-04 (the "BOT Resolution") adopting the provisions of the Act and authorizing the Mayor to issue requests for proposals and qualifications ("RFPQ") to explore the development, construction, financing, operation, and/or transfer of projects that meet economic development, public safety, or other public purposes under the Act;

WHEREAS, the Council desires to encourage and support economic development and redevelopment in the City;

WHEREAS, pursuant to the authorization granted by the BOT Resolution, the Mayor issued a RFPQ which sought offerors to perform or cause to be performed design, site development, construction, maintenance and project financing services for a shell building to be constructed on an approximately sixteen (16) acre site generally located on the north side of State Road 32 in the City as more fully described in the RFPQ (the "Project");

WHEREAS, the Council has determined that the Project would, among other benefits, have a positive economic impact on the City and its residents;

WHEREAS, Runnebohm Construction Company, Inc. and GM Development Companies LLC (collectively, the "Developer") submitted a proposal and statement of qualifications to the City for completing the Project;

WHEREAS, pursuant to the BOT Resolution, the Mayor established a committee (the "Committee") to formulate an opinion regarding the proposals and statement of qualifications received and make a recommendation for consideration by the Council;

WHEREAS, the Committee reviewed the three proposals and statements of qualifications received in response to the RFPQ and have determined that Developer should be selected to perform the Project under a Build Operate and Transfer Agreement ("BOT Agreement") in accordance with the Act;

WHEREAS, pursuant to Ind. Code § 5-23-5-7, the Committee negotiated with Developer for the best and final offer to complete the Project;

WHEREAS, thereafter, in accordance with Ind Code § 5-23-5-9, the City published notice of its intent to hold a hearing and recommend Developer for the BOT Agreement;

WHEREAS, the Council operating as the Board as defined in Ind. Code § 5-23-2-2, conducted a duly noticed public hearing on August 9, 2021; and

WHEREAS, the Council now desires to: (i) award the BOT Agreement to Developer, and (ii) authorize and instruct the Lebanon Redevelopment Commission (the "RDC") to negotiate, approve and enter into the BOT Agreement and any ancillary Project agreements (collectively, the "Transaction Documents"), each in a form to be approved by the RDC, upon the advice of the Mayor, the Committee and City attorney.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City meeting in a duly noticed and regularly scheduled meeting as follows:

- Section 1. After negotiating with Developer and holding a public hearing pursuant to and consistent with Indiana Code § 5-23-5-9, the Council hereby awards the BOT Agreement and the Project to Developer.
- Section 2. The Council supports the Project and hereby authorizes and instructs the RDC to take all necessary steps to approve the Project and the Transaction Documents in such form as acceptable to the RDC, upon the advice of the Mayor, the Committee and the City attorney, with such approval to be evidenced by the RDC's execution and delivery of such Transaction Documents.
- Section 3. The Mayor is hereby authorized to take any and all actions that he deems necessary or desirable to effect the foregoing resolutions and the transactions described in or contemplated by the BOT Agreement. Any such actions taken are hereby ratified, confirmed and approved.
- Section 4. This Resolution shall be in full force and effect immediately upon its adoption.

* * * * *

ALL OF WHICH IS ADOPTED this 9th day of August, 2021 by the Common Council of the City of Lebanon, Indiana.

Voting For

Voting Against

Abstain


Keith Campbell

Keith Campbell

Keith Campbell


John Copeland

John Copeland

John Copeland


Morris Jones

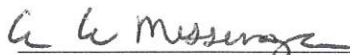
Morris Jones

Morris Jones


Mike Kincaid


Mike Kincaid

Mike Kincaid


Sierra Messenger

Sierra Messenger

Sierra Messenger


Dick Robertson

Dick Robertson


Dick Robertson


Brent Wheat

Brent Wheat

Brent Wheat

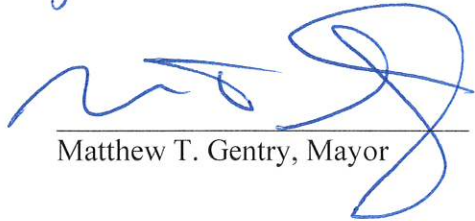
ATTEST:


Tonya Thayer, Clerk-Treasurer

I hereby certify that Resolution No. 2021-12 was delivered to the Mayor of the City of Lebanon, Indiana on the 9 day of August, 2021, at 7:34 p.m.


Tonya Thayer, Clerk-Treasurer

I hereby APPROVE RESOLUTION 2021-12 this 9 day of August, 2021, at 7:50 p.m.


Matthew T. Gentry, Mayor

I hereby VETO RESOLUTION 2021-12 this ___ day of August, 2021, at ___:___ .m.

Matthew T. Gentry, Mayor

ATTEST:


Tonya Thayer, Clerk-Treasurer

This document prepared by:

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(317) 238-6276

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