

RESOLUTION NO. 1-2023

**RESOLUTION OF THE CITY OF VALPARAISO REDEVELOPMENT COMMISSION
AUTHORIZING THE EXECUTION OF TWO LEASES BETWEEN THE CITY OF
VALPARAISO REDEVELOPMENT AUTHORITY AND THE CITY OF VALPARAISO
REDEVELOPMENT COMMISSION, AND RELATED MATTERS**

WHEREAS, the City of Valparaiso 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 Valparaiso, Indiana (the “City”) to finance local public improvements for lease to the City of Valparaiso Redevelopment Commission (the “Commission”); and

WHEREAS, the Authority proposes to issue its lease rental revenue bonds, in two series, in an amount not to exceed \$20,000,000 with respect to the bonds related to the first Lease (as defined below) and in an amount not to exceed \$7,000,000 with respect to the bonds related to the second Lease (collectively, the “Bonds”), for purposes of financing the purchase by the Authority from the City of certain roads and streets in the City as set forth in the respective Leases (collectively, the “Project”), with the sale proceeds to be applied by the City to pay or reimburse expenditures for a sports park project in the City (the “City Project”); and the Authority further proposes to enter into two proposed leases (the “Leases”) between the Authority and the Commission for the lease of the Project and interests in the land on which it is located (the “Leased Premises”); and

WHEREAS, on November 10, 2022, the Commission approved the Leases, and the Commission scheduled a public hearing regarding the Leases to be held on January 12, 2023, at 4:00 p.m. (local time), at the Valparaiso City Hall, 166 Lincolnway, Valparaiso, Indiana, and published notice of such public hearing on the Leases; 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 rent to the Authority (the “Rental Payments”) pursuant to the terms of the Leases, at a rate not to exceed Two Million Two Hundred Thousand Dollars (\$2,200,000) per year in semiannual installments through the expiration of the first Lease, and Five Hundred Fifty Thousand Dollars (\$550,000) per year in semiannual installments through the expiration of the second Lease; and

WHEREAS, the Rental Payments shall be payable from the levy of special benefits taxes on taxable property located in the Valparaiso Redevelopment District, which is coterminous with the boundaries of the City; provided, however, that the Commission reasonably expects to pay Rental Payments from other legally available revenues, including without limitation tax increment revenues generated by one or more allocation areas in the Valparaiso Consolidated Economic Development Area with respect to the first Lease, and general revenues of the City with respect to the second Lease; and

WHEREAS, the Commission desires to execute the Leases and authorize the publication,

in accordance with IC 36-7-14-25.2, of a Notice of Execution and Approval of Leases;

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

1. The Commission hereby finds and determines that the terms of the Leases are based upon the value of the Leased Premises under the respective Leases, that the Rental Payments to be paid by the Commission pursuant to the terms of the first Lease, at a rate not to exceed Two Million Two Hundred Thousand Dollars (\$2,200,000) per year in semiannual installments beginning on the date the Commission makes its first Rental Payment, and, with respect to the second Lease, at a rate not to exceed Five Hundred Fifty Thousand Dollars (\$550,000) per year in semiannual installments beginning on the date the Commission makes its first Rental Payment, in each case through the expiration of the respective Leases, are fair and reasonable, and that the use of the applicable Leased Premises throughout the term of the respective Leases will serve the public purpose of the City and is in the best interests of its residents.

2. The rentals under the Leases shall be payable from the levy of special benefits taxes on all taxable property in the District. However, the Commission reasonably expects to pay rentals under the first Lease and any other amounts due under the first Lease from other legally available revenues of the Commission, including without limitation certain tax increment revenues available to the Commission, and the Commission reasonably expects to pay rentals under the second Lease and any other amounts due under the second Lease from other legally available revenues of the Commission, including without limitation general revenues of the City pledged by the City to the Commission for such purpose.

3. The President or Vice President, and the Secretary of the Commission are hereby authorized and directed, on behalf of the Commission, to execute and deliver the Leases in substantially the forms 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 under the respective Leases shall not exceed the amounts 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 Leases.

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 PASSED on this 12th day of January, 2023, by the City of Valparaiso Redevelopment Commission.

CITY OF VALPARAISO
REDEVELOPMENT COMMISSION



President



Vice President



Secretary



Member



Member