

RESOLUTION NO. 2018-5

BOARD OF COMMISSIONERS
FOUNTAIN COUNTY, INDIANA



WHEREAS, the Board of Commissioners ("Board") of Fountain County, Indiana ("County") has previously examined and approved a form of lease for the acquisition and construction of a new County Sheriff's office and jail facility, including surface parking lots, required site drainage and utility infrastructure, together with all necessary appurtenances, related improvements and equipment (collectively, "Project") between the County and the Fountain County Building Corporation ("Corporation") on January 15, 2018 ("Lease"); and

WHEREAS, the Corporation has been formed as a not-for-profit corporation to assist in the financing of the Project; and

WHEREAS, notice of a hearing on the proposed Lease was given by publication in *The Fountain County Neighbor*, a newspaper published in the County, and said hearing has been held in accordance with said notice; and

WHEREAS, pursuant to IC 36-1-10 a leasing entity is required to own the real estate to be leased to the County and the County is required to have the value of the land determined by two independent appraisers; and

WHEREAS, the Lease provides that lease rentals will be payable from a special purpose additional local income tax rate of fifty-five hundredths of one percent (0.55%) on the adjusted gross income of County taxpayers effective January 1, 2018, all of which is to be distributed to the County ("Additional LIT Revenues") pursuant IC 6-3.6-7-8.5 and, to the extent the Additional LIT Revenues are not sufficient, from an ad valorem property tax levied on all taxable property of the County;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF FOUNTAIN COUNTY, INDIANA, THAT:

Section 1. The proposed Lease with the Fountain County Building Corporation ("Corporation"), as lessor, provides for a fair and reasonable rental, that the execution of the Lease is necessary and wise, that service to be provided by the leased premises will serve the public purpose of the County and is in the best interests of its residents.

Section 2. The Auditor is authorized and directed to initial and date a copy of the proposed Lease and to place the same in the minute book immediately following the minutes of this meeting and the Lease is made a part of this resolution as fully as if the same were set forth herein.

Section 3. The Auditor and the Board are hereby authorized and directed to execute the aforesaid Lease on behalf of the County.

Section 4. It is proper and in the public interest of the residents of the County to ratify the incorporation of the Corporation for the purpose of acquiring a site or sites,

constructing, renovating, expanding and equipping governmental buildings, including a building or buildings to be used as a new County Sheriff's office and jail facility, including surface parking lots, required site drainage and utility infrastructure, together with all necessary appurtenances, related improvements and equipment, including acquiring land, existing building or buildings and demolition of, constructing, improving, or expanding the same, leasing governmental facilities, including a building or buildings to be used as a new County Sheriff's office and jail facility located in the County and leasing it to the County.

Section 5. The Articles of Incorporation and By-Laws of the Corporation, presented to and now before this Board, are hereby ratified and approved.

Section 6. The following have been appointed to serve as the initial directors of the Corporation: James L. Hershberger, Stanley E. Hardy and Kenneth W. Rice.

Section 7. The Board hereby approves the appointment of two independent appraisers to determine the fair market value of the real property upon which the Project will be constructed.

Passed and adopted by the Board of Commissioners of Fountain County, Indiana, this 5th day of February, 2018.

BOARD OF COMMISSIONERS,
FOUNTAIN COUNTY, INDIANA

Commissioner

Commissioner

Commissioner

ATTEST:

Brenda Hardy
Auditor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Brenda Hardy

This instrument was prepared by Heather R. James, Ice Miller LLP, One American Square, Suite 2900, Indianapolis, Indiana 46282.