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**CITY OF HOBART, INDIANA  
REDEVELOPMENT COMMISSION**

**Resolution No. 2016-02**

**A Resolution to Amend the Agency Agreement with the Hobart Redevelopment Authority and Hobart Sanitary District, and to Amend the Memorandum and Record of Decision with the Hobart Sanitary District, all Relating to the Use and Expenditure of Proceeds Remaining from the 2015 Lease Rental Revenue Bond for the Downtown Infrastructure Project**

WHEREAS, the Hobart Redevelopment Authority (the “Authority”) issued in the aggregate principal amount of Three Million Seven Hundred Seventy-five Thousand and 00/100 Dollars (\$3,775,000.00) pursuant to I.C. §36-7-14.5-19 the “City of Hobart Redevelopment Authority Lease Rental Revenue Bonds of 2015” to finance certain improvements to City of Hobart Downtown infrastructure elements, such improvements including, among others, the construction of extensive sanitary and storm sewer improvements with accompanying street, water main and other utility work under the primary administration of the joint Hobart Sanitary District Board of Commissioners and Storm Water District Board of Directors (the “Sanitary District”), the construction of a parking lot and ornamental gateway structure under the primary administration of the Hobart Redevelopment Commission (the “Commission”); and certain other improvements, described below, to be undertaken from the remaining Lease-Rental Bond proceeds; and

WHEREAS, the Authority leased the infrastructure elements and other items improved as described above to the Commission by lease dated January 1, 2015 which was approved by the Commission and which pledged tax increment from the Greater Downtown and State Road 130 allocation area to defray the lease payments to the Authority to be used by the Authority to pay the debt service upon said Bonds, and

WHEREAS, the Commission has agreed with the Sanitary District, in principle, to then enter into one or more agreements with the Sanitary District for the operation and maintenance of the sewer and storm water improvements, to reimburse the Commission for the full cost of the sewer and storm water improvements financed by the Lease-Rental Bond and all Bond issuance costs, through one or more future payments to the Commission, to be determined by forthcoming agreement between the Commission and the Sanitary District. The Sanitary District will pay the full amount of the annual Bond Trustee Fees, and any other fees necessary for the maintenance and management of the Bond during its life and upon its expiration, if any; and

WHEREAS, the Authority, by its Resolution Number 2015-03, adopted and approved an Agency Agreement (“Agreement”) between the Commission and Sanitary District on March 3, 2015 for the purpose, among others, of allocating sums from bond proceeds to the various elements of the project and to establish agency responsibilities for administration, coordination and financial management; and

46 WHEREAS, resolutions in substantially similar form also approving said Agency  
47 Agreement were then adopted and approved by the Commission on April 27, 2015 (Resolution  
48 No. 2015-04) and by the Sanitary District, also on April 27, 2015 (Resolution No. 2015-04), and  
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50 WHEREAS, the Sanitary District also adopted an Amended Record of Decision in said  
51 Resolution Number 2015-04 which was approved and concurred in by the Commission on April  
52 27, 2015 in its said Resolution No. 2015-04); and  
53

54 WHEREAS, the Agency Agreement as previously adopted by the Authority, Commission  
55 and Sanitary District, provided that the proceeds of the Bonds are to be used to finance certain  
56 public improvements consisting of all or any portion of the following:  
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58 the (i) replacement and reconstruction of certain underground sanitary and storm  
59 sewers within the area bounded by 5<sup>th</sup> Street on the southeast, Lake George on the  
60 west, Duck Creek on the east and Deep River on the northwest,  
61

62 (ii) construction of a public parking lot on real estate owned by the City;  
63

64 (iii) construction of a “gateway” sign, monument and related road, sidewalk, trail  
65 and landscape enhancements at Main Street between 6<sup>th</sup> and 7<sup>th</sup> Streets;  
66

67 (iv) replacement of the roof on the building located at 705 E. 4<sup>th</sup> Street, Hobart,  
68 Indiana being part of what is commonly known as the Police Court Complex;  
69

70 (v) resurfacing and upgrading of the parking lot owned by the City located at 327  
71 East Street, Hobart, Indiana; and  
72

73 (vi) construction of not more than five (5) masonry structures each to surround a  
74 dumpster to be located upon the real estate located at 101 N. Lake Park, Hobart,  
75 Indiana and commonly known as the Lakefront Park;  
76

77 (vii) relining of segments of the sanitary interceptor sewer that begins at County  
78 Line Road and State Road 130 and continues to the Main Lift Station; and  
79

80 (viii) any related work, including without limitation, road reconstruction and  
81 widening, intersection improvement, traffic signal interconnection, utility  
82 relocation, utility and sidewalk installation, bridge improvements, wetland  
83 mitigation, and civil engineering, and other related improvements; and  
84

85 WHEREAS, the improvements included in items (i), (ii) and (iii) of the project as  
86 described above have been substantially completed, with the exception of certain work on Center  
87 Street, Main Street and Fourth Street, described as follows:  
88

89 1. the reconstruction of approximately 300 feet of Fourth Street including 12 inch  
90 storm sewer, 8 inch sanitary sewer, decorative lighting, traffic signal, sidewalks, ADA ramps,  
91 and other required appurtenances;

92  
93 2. the construction and installation of Center Street and Main Street beautification  
94 items including vegetation and appurtenances; and  
95

96 WHEREAS, the Authority, Commission and District have been advised that there is  
97 remaining in Bond proceeds, not including the items discussed in the preceding paragraph for  
98 Center, Main and Fourth Streets, the sum of \$891,342.07; and  
99

100 WHEREAS, the Sanitary District under the Agency Agreement was limited to  
101 \$1,807,53.00 which has been substantially expended by item (i) above, thereby requiring the  
102 District to defray the cost of the Center Street, Main Street and Fourth Street work from other  
103 funds. However, the Commission desires to complete item (vi) above involving the construction  
104 of one or more masonry enclosures for dumpster receptacles downtown, as well as reconstruction  
105 of others downtown, and certain other items of expenditure which the Commission believes will  
106 require \$250,000, only; and  
107

108 WHEREAS, the additional work remaining to be done on Center Street, Main Street and  
109 Fourth Street is expected to exceed the \$891,342.07 remaining in bond funds, substantially all of  
110 which were allocated to the Commission by the Agency Agreement in the estimated amount, at  
111 that time, of \$832,747.00, requiring the Sanitary District to provide the balance required from  
112 other funds; and  
113

114 WHEREAS, the Commission is willing to forego any further use of the Bond proceeds,  
115 thereby making the entire remaining balance available to the Sanitary District, in return for the  
116 transfer to the Commission from Sanitary District funds of the sum of \$250,000.00. This  
117 arrangement will allow the Sanitary District, for an outlay of \$250,000.00, to receive almost  
118 \$900,000.00 in additional bond proceeds and minimize further outlay for the Center-Main-  
119 Fourth Streets final work;  
120

121 WHEREAS, the Commission now wishes, by this Resolution, to adopt and approve the  
122 above-described arrangement, subject only to the approval of substantially similar resolutions by  
123 the Authority and the Sanitary District.  
124

125 THEREFORE, BE IT RESOLVED by the Redevelopment Commission of the City of  
126 Hobart that:  
127

128 1. The Commission agrees to the amendment of the Agency Agreement previously  
129 adopted by the Authority, the Commission and the Sanitary District as authorized by Section 1  
130 (c) of Authority Resolution No. 2015-03 as follows:  
131

132 The Sanitary District is authorized, with respect to the work remaining on Center Street, Main  
133 Street and Fourth Street described as follows:  
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135 a. the reconstruction of approximately 300 feet of Fourth Street  
136 including 12 inch storm sewer, 8 inch sanitary sewer, decorative lighting, traffic  
137 signal, sidewalks, ADA ramps, and other required appurtenances;

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b. the construction and installation of Center Street and Main Street beautification items including vegetation and appurtenances,

to prepare design and bid documents, solicitations to bidders, to make award of the contract or contracts for the work, to inspect, administer and oversee construction on behalf of the Authority as owner, to authorize change orders as necessary, to report to the Authority and Commission on the progress of construction, and to perform all related matters necessary and desirable for the efficient, timely and cost effective completion of the work.

2. The Memorandum and Record of Decision adopted by the Board on February 11, 2015 and amended by the Resolution Number 2015-04 of the Sanitary District and concurred in by the Commission is hereby amended as follows:

a. The second and third paragraphs of Section 2 of said Memorandum and Record entitled “Financing and Cost Sharing” is amended by striking out said paragraphs and inserting the following paragraphs in lieu thereof:

The bond issue will yield proceeds for construction, after operating costs, of approximately \$3.125 million. These funds will be allocated among the three parts of the project as follows:

Sewer Improvements	:	\$ 1,807,010.02
Gateway and Parking Lot Construction:		
Including engineering, design and		
Construction Administration		577,789.71
Additional work required to complete		
Center Street, Main Street and Fourth Street,		
Allocated to the Sanitary District		891,342.07
Total		\$ 3,276,141.80

HSD will be solely responsible for financing, from its own resources, all project costs in excess of \$2,698,352.09, which is the limit of bond proceeds available to HSD for the sewer portion of the project. Additionally, HSD will cover its engineering and other soft costs for the sewer portion. HSD will have no administrative role or responsibility with respect to the Parking Lot and Gateway, but may be requested to participate in the financing of storm water BMPs for the parking lot.

HSD affirms that it will reimburse to the Commission the cost of all sanitary sewer and storm-water improvements as well as the Center—Main—Fourth Street work together with all Bond issuance costs, through one or more future payments to the Commission. The Sanitary District will pay the full

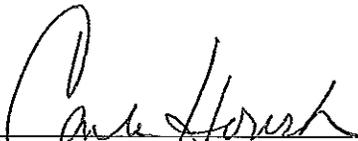
184 amount of the annual Bond Trustee Fees, and any other fees necessary for the  
185 maintenance and management of the Bond during its life and upon its expiration.  
186 Such amounts shall be paid through one or more future payments to the  
187 Commission Fund 406, in precise amounts to be determined by forthcoming  
188 agreement between the Commission and the Sanitary District.  
189

190 3. In consideration for the increased Bond allocation stated above, the Hobart  
191 Sanitary District shall pay and transfer to the Hobart Redevelopment Commission, Fund No.  
192 250, the sum of \$250,000.00 on or before June 1, 2016.  
193

194 4. The President and Secretary of the Board, and each of them, is hereby authorized  
195 to take all such actions and to execute all such instruments as are desirable to carry out the  
196 transactions contemplated by this Resolution, in such forms as the President and Secretary  
197 executing the same shall deem proper, to be evidenced by the execution thereof.  
198

199 5. This resolution shall be in full force and effect from and after the date of its  
200 adoption by all of the Authority, the Commission and the Sanitary District.  
201

202 ALL OF WHICH is adopted as the Resolution of the Hobart Redevelopment Commission  
203 on this Third day of March, 2016.  
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209 CARLA HOUCK, President

210 ATTEST:

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213 Marsha Plesac, Secretary  
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