

**CITY OF HOBART, INDIANA**

**SANITARY DISTRICT BOARD OF COMMISSIONERS  
AND STORM WATER MANAGEMENT BOARD OF DIRECTORS**

**Resolution No. 2015-04**

**A Resolution Approving and Authorizing the Execution of an Agency Agreement  
with the Hobart Redevelopment Authority and Amending the Memorandum and  
Record of Decision for the Downtown Infrastructure Project**

WHEREAS, the Board of Commissioners of the City of Hobart (City) Sanitary District which is comprised of persons who are also the members of the of the City of Hobart Department of Storm Water Management Board of Directors (collectively, "Board" and "District"), previously adopted a Memorandum and Record of Decision (Record) on February 11, 2015 governing the District's participation in the City of Hobart Downtown Infrastructure Project; and

WHEREAS, the Hobart Redevelopment Authority (Authority) issued its lease rental revenue bonds in the aggregate principal amount of Three Million Seven Hundred Seventy-five Thousand and 00/100 Dollars (\$3,775,000.00) pursuant to Indiana Code 36-7-14.5-19 known as the "City of Hobart Redevelopment Authority Lease Rental Revenue Bonds of 2015" (Bonds), the proceeds of which are to be used to finance certain public improvements consisting of all or any portion of the (i) replacement and reconstruction of certain underground sanitary and storm sewers within the area bounded by 5<sup>th</sup> Street on the southeast, Lake George on the west, Duck Creek on the east and Deep River on the northwest, (ii) construction of a public parking lot on real estate owned by the City; (iii) construction of a "gateway" sign, monument and related road, sidewalk, trail and landscape enhancements at Main Street between 6<sup>th</sup> and 7<sup>th</sup> Streets; (iv) replacement of the roof on the building located at 705 E. 4<sup>th</sup> Street, Hobart, Indiana being part of what is commonly known as the Police Court Complex; (v) resurfacing and upgrading of the parking lot owned by the City located at 327 East Street, Hobart, Indiana; and (vi) construction of not more than five (5) masonry structures each to surround a dumpster to be located upon the real estate located at 101 N. Lake Park, Hobart, Indiana and commonly known as the Lakefront Park; (vii) relining of segments of the sanitary interceptor sewer that begins at County Line Road and State Road 130 and continues to the Main Lift Station; and (viii) any related work, including without limitation, road reconstruction and widening, intersection improvement, traffic signal interconnection, utility relocation, utility and sidewalk installation, bridge improvements, wetland mitigation, and civil engineering, and other related improvements (collectively, the "Project") and to pay the cost of issuance of the Bonds; and

WHEREAS, the Authority has leased the Project to the Hobart Redevelopment Commission (RDC) pursuant to a lease dated as of January 1, 2015, as may be amended from time to time (Lease), which Lease was heretofore approved by the RDC; and

WHEREAS, the Authority adopted its Resolution No. 2015-03 on March 3, 2015 approving and authorizing an agency agreement with the District and RDC governing the Project

including part (i) of the second preceding paragraph, above, that portion of the Project to be managed by the District including extensive reconstruction of underground sanitary and storm water lines in Downtown Hobart thoroughfares, and related surface improvements; and

WHEREAS, the RDC adopted and approved its Resolution No. 2015-04 on April 27, 2015 approving and authorizing the agency agreement with the Authority and with the District; and

WHEREAS, it is necessary for the District to adopt and approve said agency agreement by its action on this resolution, and, in light of updated contract bidding and award information now available, the Board has determined that it is necessary and desirable to amend the Record to reflect the latest financial information on the proposed expenditure of funds from the Bonds, and to enhance its reporting and coordination provisions.

THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Hobart Sanitary District that:

Section 1. The Board directs the President and the Secretary to enter into an Agency Agreement with the Authority and the RDC to provide for the construction of the Project as follows:

a. With regard to the portion of the project consisting of replacement and reconstruction of underground storm and sanitary sewers and related work as described in section (i) of the second recital paragraph above, to authorize the Hobart Sanitary District acting through its Board of Commissioners and the Hobart Storm Water Department acting through its Board of Directors (said bodies being identical pursuant to law), 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 RDC 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.

b. In the event that the Authority determines to proceed with any one or more than one of the portions of the project described in sections (iv) through (viii), inclusive, of the second recital paragraph above through the District or RDC, the Authority shall amend the agency agreement authorized by this Resolution to authorize the RDC or the Sanitary District, as the case may be, 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 RDC 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.

Section 2. The Memorandum and Record of Decision adopted by the Board on February 11, 2015 governing the District's participation in the City of Hobart Downtown Infrastructure Project 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 \$3.265 million. These funds will be allocated among the three parts of the project as follows:

Sewer Improvements (per bid award):	\$ 1,807,253.00
Gateway and Parking Lot Construction: Including engineering, design and Construction Administration	625,000.00
Other Elements of the Project (includes anticipated additional work and changes to sewer improvement portion of project, Parking Lot adjacent to Historical Society, dumpster enclosure, roof for Police and City Court Building, etc.)	832,747.00
Total	\$ 3,265,000.00

HSD will be solely responsible for financing, from its own resources, all project costs in excess of the total of \$1,807,253.00 million (plus whatever additional work for the sewer portion is authorized), 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.

b. Section 5 of said Memorandum and Record entitled "Reporting and Coordination" is amended by striking out said section and inserting the following new section in lieu thereof:

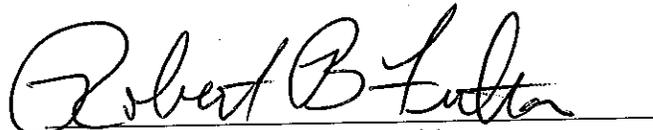
**5. Reporting and Coordination.** The HSD agrees, in the course of its administration of the bid and contract management for the sewer portion of the project to report its activities in writing to the RDC, the RDA, the Mayor and Clerk Treasurer of the City of Hobart, and the City Director of Development, and to include the Director of Development in all staff level meetings concerning the sewer improvement portion of the Project. Such reports shall, at a minimum, include the following:

- i. all requests for contract amendments or interpretations and contract amendments or interpretations issued by or at the request of the HSD;
- ii. all contractor payment requests;
- iii. all pending and proposed change orders and change orders to be submitted for approval to the Board;
- iv. all incident reports and progress reports;
- v. all notices, invitations or agendas of any progress meetings, working groups, or other meetings at the staff level concerning any aspect of the sewer improvement portion of the Project;
- vi. minutes of all meetings referenced above in sub-part (v);
- vii. all e-mail or written communications between the engineer of record for the project (SEH), sub contract engineers (BF & S), the City Engineer, and the general contractor (Hasse);
- viii. other significant matters pertinent to the sewer improvement portion of the project.

Section 3. The President and Secretary of the Board, and each of them, is hereby authorized to take all such 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 and Secretary executing the same shall deem proper, to be evidenced by the execution thereof.

Section 4. This resolution shall be in full force and effect from and after its adoption by the Board.

ALL OF WHICH is adopted as the Resolution of the Hobart Sanitary District Board of Commissioners and Storm Water Department Board of Directors on this 27th day of April, 2015.

  
ROBERT B. FULTON, President

ATTEST:

  
PHIL GRALIK, P.E., Secretary