

INTRODUCED: 12/18/2017

REFERRED TO: Administration and Finance Committee

SPONSOR: Councillors Simpson, Gray and Lewis

DIGEST: authorizes the issuance of notes in an aggregate principal amount not to exceed \$55,000,000 for the purpose of providing funds to be applied to the costs of site preparation, construction mobilization, and related engineering, planning, design and consulting in connection with a proposed community justice campus, and appropriating the proceeds thereof, states the Council's interest in making a purchase of land, ratifying the appointment of appraisers with respect to the purchase of land, states the need to lease certain property and waives the application of Revised Code Chapter 186 with respect to the purchased land and/or leased property

SOURCE:

Initiated by: Office of Finance and Management

Drafted by: Office of Finance and Management

LEGAL REQUIREMENTS FOR ADOPTION:

Published Notice of Public Hearing

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL: _____ Date: December 14, 2017

CITY-COUNTY GENERAL RESOLUTION NO. , 2017

A GENERAL RESOLUTION (1) authorizing the issuance of a note for the purpose of providing funds to be applied to pay site preparation, construction mobilization, and related engineering, planning and design and consulting services costs in connection with the proposed community justice campus, and appropriating the proceeds thereof, (2) stating the Council's interest in making a purchase of land, (3) ratifying the appointment of appraisers with respect to the land and (4) stating the need to lease certain property and waiving the application of Revised Code Chapter 186 to the purchased land and/or leased property.

WHEREAS, the Consolidated City of Indianapolis, Indiana, as such term is defined in Indiana Code 36-3-1-4 (the "City") is in the process of planning, design and construction of a community justice campus in the City (the "CJC"); and

WHEREAS, the City needs funds to pay for (1) construction necessary to prepare the site for construction of the CJC buildings, (2) construction mobilization costs, (3) certain related engineering, planning and design and consulting services costs and (4) land acquisition and lease expenses (the "Site Preparation and Construction Mobilization Costs"); and

WHEREAS, the City-County Council of the City of Indianapolis and of Marion County, Indiana (the "Council") now desires to provide for the payment of the Site Preparation and Construction Mobilization Costs through the issuance of a short term note pursuant to Indiana Code 5-1.4-8-6, (the "Note"); and

WHEREAS, the Note will be payable from local option income taxes; and

WHEREAS, the Council has found that there are insufficient funds available or provided for in the existing budget and tax levy which may be applied to the Site Preparation and Construction Mobilization Costs and has determined to issue the Notes to procure such funds; and

WHEREAS, the Council finds that a need exists for the making of the additional appropriation hereinafter set out; and

WHEREAS, notice of a hearing on said appropriation has been duly given by publication as required by law, and the hearing on said appropriation has been held, at which all taxpayers and other interested persons had an opportunity to appear and express their views as to such appropriation; and

WHEREAS, the City has determined that it does not own real estate suitable for construction of the CJC and certain related potential economic development projects that the City may undertake; and

WHEREAS, the City has identified real estate suitable for the construction of the CJC and certain related potential economic development projects, more particularly identified in Exhibit A, attached to and incorporated into to this Resolution, (the "Real Estate") located near the intersection of Southeastern Avenue and Pleasant Run Parkway North; and

WHEREAS, the Real Estate is currently owned by Citizens Energy Group, or an affiliate ("Citizens"); and

WHEREAS, the Purchasing Administrator for the City of Indianapolis (the "Purchasing Administrator") has received a petition signed by at least fifty (50) taxpayers of the City requesting that the City enter into a lease with Citizens for a portion of the Real Estate identified in Exhibit A attached to this Resolution as the "Community Justice Facilities Properties"; and

WHEREAS, pursuant to IC 36-1-10.5-6 the Purchasing Administrator has appointed Integra Realty Resources and William Stump (the "Appraisers") as appraisers for the Real Estate; and

WHEREAS, the Appraisers have produced appraisals for the Purchasing Administrator, who has submitted the appraisals to the Council; and

WHEREAS, in order to encourage future economic development opportunities that may arise with respect to the Real Estate, the Council desires that Revised Code Chapter 186 shall not apply to the Real Estate; now therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Council hereby authorizes and requests the City's Mayor ("Mayor") and the City Controller ("City Controller") to prepare and issue the Notes pursuant to Indiana Code 5-1.4-8-6 in the name of the City for the purpose of procuring funds to pay for the Site Preparation and Construction Mobilization Costs. The Notes may be issued in an aggregate principal amount not to exceed Fifty-Five Million Dollars (\$55,000,000.00) to be designated "Local Option Income Tax Notes, Series 2018" (with such further or different designations as the City Controller may determine to be desirable). The Notes are payable from local option income tax revenues and by this Resolution, the Council hereby pledges said local option income tax to repayment of the Notes.

SECTION 2. The Notes shall be sold by negotiated sale to The Indianapolis Local Public Improvement Bond Bank (the "Bond Bank") and shall bear interest at a rate not to exceed 5% per annum payable on interest payment dates selected by the City Controller, and mature no later than two years from the date of delivery. The Bond Bank shall purchase the Notes with proceeds of bonds, notes or other instruments or obligations it issues for such purpose either through a direct purchase arrangement or a commercial paper facility. The Mayor and the City Controller are authorized and directed to execute and deliver the Notes to the Bond Bank in accordance with this Resolution.

SECTION 3. The Notes may be prepayable by the City on terms and conditions determined by the City Controller at the time of sale of the Notes and agreed to by the Bond Bank. The place of redemption will be as designated by the City Controller. The Notes will be payable at such place as may be designated by the City Controller. All payments on the Notes will be made in any coin or currency of the United States of America, which on the date of such payment is legal tender for the payment of public and private debts. The Notes will not be transferable or exchangeable, except upon compliance with all applicable laws, including the federal securities laws of the United States of America.

SECTION 4. By this Resolution, the City Controller is authorized and directed to deposit the proceeds of the Notes into a separate account of the City of Indianapolis hereby designated as the Community Justice Campus Site Preparation and Construction Mobilization Cost Account (the "Site Preparation and Construction Mobilization Account") to pay the Site Preparation and Construction Mobilization Costs. The Site Preparation and Construction Mobilization Account must, in accordance with IC 5-13, be deposited with the depository or depositories of other public funds of the City, and all interest collected on it belongs to the Site Preparation and Construction Mobilization Account. Moneys contained in the Site Preparation and Construction Mobilization Account must be invested to the extent and as provided by law.

SECTION 5. The officers of the City are, and each of them is (individually rather than collectively), authorized and directed to take all such actions and to execute all necessary or desirable notes, instruments, agreements and certificates (including the Notes and any purchase agreements) as are desirable to carry out the steps contemplated by this Resolution, in such forms as any officer executing the same may deem proper, to be conclusively evidenced by their execution.

SECTION 6. There is hereby appropriated the sum of not to exceed Fifty-Five Million dollars (\$55,000,000.00) out of the proceeds of the Notes, together with all investment earnings thereon, for the purpose of providing funds to pay a portion of the Site Preparation and Construction Mobilization Costs, including the costs of issuing the Notes. Such appropriation shall be in addition to all appropriations provided for in the existing budget and shall continue in effect until the completion of the described purposes.

SECTION 7. Pursuant to IC 36-1-10-7 and after investigation, the Council expresses a need to lease the portion of the Real Estate identified in Exhibit A attached to this Resolution as the "Community Justice Facilities Properties" for a one-time Lease Fee of Two Million One Hundred Thousand Dollars (\$2,100,000.00) and approves transfer of title to the Community Justice Facilities Properties to the City upon termination of the lease, or otherwise pursuant to the terms of the lease, for an amount of One Dollar (\$1.00).

SECTION 8. Pursuant to IC 36-1-10.5-5, the Council hereby ratifies the appointment by the Purchasing Administrator of the City of Indianapolis of Integra Realty Resources and William Stump as appraisers for the Real Estate.

SECTION 9. Pursuant to IC 36-1-10.5-5, the Council hereby expresses its interest in purchasing the Real Estate identified in Exhibit A attached to this Resolution as the "Economic Development Properties", for a purchase price of Two Million One Hundred Thousand Dollars (\$2,100,000.00), a price not greater than the average of the appraisals returned by the Appraisers.

SECTION 10. The Council hereby declares that Revised Code Chapter 186 shall not apply to the Real Estate.

SECTION 11. If any section, paragraph or provision of this Resolution is held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision will not affect any of the remaining provisions of this Resolution.

SECTION 12. This Resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14, IC 36-3-4-15 and IC 36-3-4-16.

The foregoing was passed by the City-County Council this _____ day of _____, 2018, at _____ p.m.

ATTEST:

Maggie A. Lewis
President, City-County Council

NaTrina DeBow
Clerk, City-County Council

Presented by me to the Mayor this ____ day of _____, 2018, at 10:00 a.m.

NaTrina DeBow
Clerk, City-County Council

Approved and signed by me this ____ day of _____, 2018.

Joseph H. Hogsett, Mayor