

**CITY OF HOBART, INDIANA
BOARD OF PUBLIC WORKS AND SAFETY**

Resolution Number 2015-03

A Resolution Approving Agreements for the Purchase of Improvements and Renovations to City of Hobart Fire Station No. 2

WHEREAS, the Common Council (“Council”) of the City of Hobart, Indiana (“City”), through the adoption of its Resolution No. 2015-14 on October 7, 2015, considered and approved the entry by the City into an installment contract (“Installment Contract”) with GM Development Companies LLC, or an affiliate thereof (“Developer”), for the purchase of fully developed improvements for Fire Station No. 2 in the City (the “Project”) together with the entry into a Project Agreement (the “Project Agreement”), generally outlining the responsibilities of the Developer and City with respect to the development of the Project; and

WHEREAS, the Council, through said Resolution, further took note of the fact that the City is authorized by I.C. §36-1-10.5-1, *et seq.* to purchase land or structures for the operation of the City government and to pay an amount not to exceed the average of two (2) appraisals performed by Indiana licensed appraisers; and

WHEREAS, said Resolution also pledged Gaming Revenues received and to be received by the City (“Gaming Revenues”) to the payment of the Installment Contract for a period of 10 years; and

WHEREAS, the Council, through said Resolution, also authorized the City to enter into the Installment Contract and the Project Agreement, to execute and deliver any agreements, acknowledgements or assignments as may be requested by the Developer’s Lender and to take any other action necessary to consummate the purchase of the Project pursuant to the Installment Contract; and

WHEREAS, the Board of Public Works and Safety (“Board”) of the City is the purchasing agency for the City pursuant to §31.004(A) of the Municipal Code of the City of Hobart enacted pursuant to the authority of I.C. §5-22-4-5(a); and

WHEREAS, the Board, as the City’s purchasing agency, has all of the powers and duties authorized under the laws of the State of Indiana governing purchasing under I.C. §5-22; and

WHEREAS, the Board, in the exercise of said powers and duties, has received and reviewed the following agreements, which are required for the implementation of the purchase and financing of the purchase of said improvements as part of the Project; and

WHEREAS, the following documents, which are attached hereto and made a part hereof, and which are referred to collectively as the (Contract Documents”), have been received and reviewed by the Board:

1. Project Agreement between City of Hobart and Hobart Firehouse, LLC;

2. Participation and Purchase Agreement between Hobart Firehouse, LLC, City of Hobart and People’s Bank;
3. Installment Purchase Contract between City of Hobart and Hobart Firehouse, LLC;
4. Custodial Agreement between City of Hobart, People’s Bank and Hobart Firehouse, LLC;
5. Temporary Easement Agreement between the City of Hobart and Hobart Firehouse, LLC;
6. Proposal for Professional Services of R. Keilman Associates, Architects for City of Hobart;
7. Proposed Engagement Agreement between City of Hobart and Davies Appraisal Group, LLC;
8. Agreement for Professional Services between City of Hobart and McMahon Engineers and Architects; and
9. Proposed Agreement between City of Hobart and K & S Engineers, Inc.; and

WHEREAS, the Board has also received and reviewed the following additional documents, which are collectively referred to herein as the “Ancillary Documents:”

10. Operating Agreement of Hobart Firehouse, LLC;
11. Certificate of the City of Hobart;
12. Consent of the Sole Member of GM Development Companies, LLC;
13. Hobart Firehouse Project Budget, Sources and Uses of Funds and Mortgage Amortization Schedule; and

WHEREAS, the Board desires to find that all of said documents are in accord with and in conformance to said Resolution 2015-14 of the Common Council of the City, that the Contract Documents may be executed on behalf of the City, and desire to determine that the Ancillary Documents are likewise in accord with and in conformance to said Resolution.

THEREFORE, BE IT RESOLVED by the Board of Public Works and Safety of the City of Hobart that:

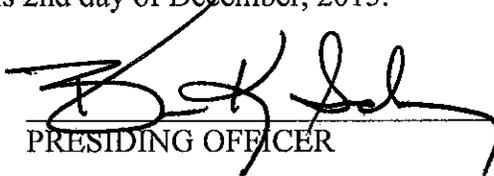
1. The Contract Documents and each of them are found and determined by the Board to be in good order, in accord with and conformance to

the letter and spirit of Resolution 2015-14 of the Common Council, and are hereby approved and authorized for execution and attestation by the Mayor and Clerk-Treasurer of the City.

2. The Ancillary Documents and each of them are found and determined by the Board to be in good order, in accord with and conformance to the letter and spirit of Resolution 2015-14 of the Common Council, and are hereby approved as to form and content, and where required, for execution and attestation by the Mayor and Clerk-Treasurer of the City.

3. This Resolution shall be in full force and effect from and after its passage.

ALL OF WHICH is ADOPTED AND APPROVED by the Board of Public Works and Safety of the City of Hobart, Indiana on this 2nd day of December, 2015.



PRESIDING OFFICER

ATTEST: 

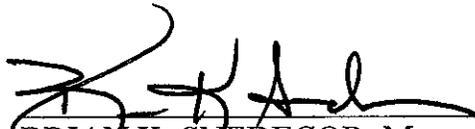
DEBORAH A. LONGER, Clerk-Treasurer

PRESENTED by me to the Mayor of the City of Hobart on the 2nd day of December, 2015 at the hour of 6:45 pm.



DEBORAH A. LONGER, Clerk-Treasurer

APPROVED, EXECUTED and RETURNED by me to the Common Council of the City of Hobart on this 2nd day of December, 2015.



BRIAN K. SMEDECOR, Mayor

ATTEST: 

DEBORAH A. LONGER, Clerk-Treasurer