

**COMMON COUNCIL OF THE CITY OF HOBART, INDIANA**

**Resolution Number 2016-05**

**A Resolution Amending Resolution No. 2015-14 on  
Purchase of Improvements to City of Hobart Fire Station No. 2  
for the Purpose of Correcting a Scrivener's Error, *Nunc Pro Tunc***

WHEREAS, the Common Council ("Council") of the City of Hobart, Indiana ("City") adopted and approved Resolution No. 2015-14 on October 7, 2015 for the purpose of authorizing the entry by the City into an installment contract with GM Development Companies LLC, or an affiliate thereof for the purchase of fully developed improvements for Fire Station No. 2 in the City (the "Project"); and

WHEREAS, said Resolution No. 2015-14 also pledged the City's share of gaming revenues to the payment of the Installment Contract, and further appropriated and authorized that any other available funds of the City be used to make payments under said contract if gaming funds are insufficient; and

WHEREAS, said Resolution also specified conditions under which the payment of additional obligations could be made from gaming revenues received by the City; and

WHEREAS, said Resolution also authorized the execution and delivery of any other documents, including closing certificates, agreements or other documents related to the Installment Contract, the Project Agreement for the Project, and the taking of any other actions the City Executive and Clerk-Treasurer deem necessary or desirable to effect Project and ratifying and approving any such documents and certificates heretofore executed and delivered and any such actions heretofore taken; and

WHEREAS, Section Three of the Resolution contained a sentence stating in part that: "The Council hereby pledges the Gaming Revenues received by the City pursuant to IC 4-33-12.5-4 . . ." and

WHEREAS, the statutory reference in such sentence was incomplete due to a scrivener's error, and the quoted portion of said sentence should have read: "The Council hereby pledges the Gaming Revenues received by the City pursuant to I.C. §§4-33-12-6, 4-33-12.5-8, 36-1-8-9, and as otherwise provided by this Resolution and the laws of the State," and

WHEREAS, the Council desires to correct said Resolution 2015-14 by substituting said new language for that portion of the first sentence of Section Three thereof, and to give effect to such change retroactively as if said sentence was properly included in the original Resolution.

THEREFORE, BE IT RESOLVED by the Common Council of the City of Hobart that:

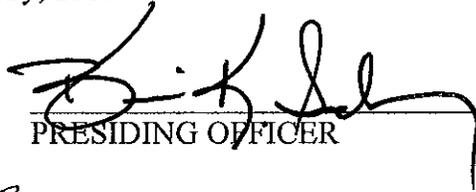
**SECTION ONE.** Council Resolution Number 2015-14 is hereby amended by striking out in its entirety the first sentence of Section Three and inserting in lieu thereof the following new sentence: "The Council hereby pledges the Gaming Revenues received by the City pursuant to I.C. §§4-33-12-6, 4-33-12.5-8, 36-1-8-9, and as otherwise provided by this Resolution and the laws of the State to the payments due under the Installment Contract for the

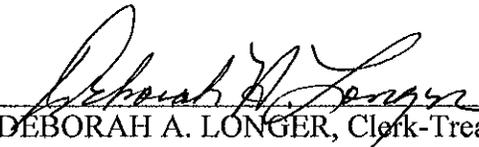
purchase of the Project and this pledge shall be binding from the time this Resolution is adopted.” In all other respects, the text of Resolution No. 2015-14 is affirmed.

SECTION TWO. The Council directs and intends that the above-stated amendment be given effect *nunc pro tunc*, that is, as if the original text of the Resolution contained the newly inserted language described in the preceding section of this Resolution.

SECTION THREE. Effectiveness. This Resolution shall be in full force and effect from and after its passage.

ALL OF WHICH is ADOPTED AND APPROVED by the Common Council of the City of Hobart, Indiana on this 20<sup>th</sup> day of January, 2016.

  
PRESIDING OFFICER

ATTEST:   
DEBORAH A. LONGER, Clerk-Treasurer

PRESENTED by me to the Mayor of the City of Hobart on the 20<sup>th</sup> day of January, 2016 at the hour of 6:45 p.m.

  
DEBORAH A. LONGER, Clerk-Treasurer

APPROVED, EXECUTED and RETURNED by me to the Common Council of the City of Hobart on this 20<sup>th</sup> day of January, 2016.

  
BRIAN K. SMEDECOR, Mayor

ATTEST:   
DEBORAH A. LONGER, Clerk-Treasurer