

## PULASKI COUNTY RESOLUTION NO. 2023-13

BY THE BOARD OF COMMISSIONERS OF PULASKI COUNTY, INDIANA,  
RECEIVING AND APPROVING THE PETITION OF TAXPAYERS REQUESTING THE LEASING OF CERTAIN  
COUNTY COURTHOUSE FACILITIES, APPROVING THE TERMS AND CONDITIONS REGARDING THE LEASE OF  
THE PULASKI COUNTY COURTHOUSE, AND TAKING OTHER ACTIONS REGARDING THE PROPOSED LEASE

WHEREAS the Pulaski County Courthouse Building Corporation (the “Corporation”) was incorporated to assist Pulaski County, Indiana (the “County”) in financing, from time to time, the construction and renovation of County facilities to be operated by the County; and

WHEREAS a petition signed by fifty (50) or more taxpayers of the County, has been filed with the Board of Commissioners of the County (the “Board”) requesting the Board to enter into negotiations with the Corporation for

(1) the renovation and equipping of the existing courthouse located at 112 East Main Street, Winamac, Indiana, and upon completion is anticipated to include, but not be limited to: (a) Improvements and additions to the courthouse site including but not limited to: (i) expanded public gathering space with new retaining walls; (ii) plaza pavers, landscaping and two covered canopy structures; (iii) north stairs to be rebuilt with new planters and bench; (iv) historic retaining wall surrounding site to be removed, salvaged, repaired, cleaned and reconstructed; (v) sidewalks surrounding site to be removed and rebuilt; and (vi) utility enclosure added at southwest corner of site enclosing generator and chiller; (b) renovations, improvements and upgrades to the three story, approximately 23,100 square feet of the existing courthouse interior including: (i) new mechanical, electrical, plumbing and telecommunications systems throughout the facility; (ii) new flooring, updated paint and refinished woodwork along with new ADA compliant restrooms; and (iii) new furnishings and refinished existing furniture; (c) improvements to the lower level, including but not limited to: (i) the existing concrete slab to be removed and re-poured; (ii) all existing walls to be removed back to masonry and furred out with new wall board; and (iii) new restroom facilities and break room provided along with Clerk Department, Security, Veteran’s Services, Maintenance and Storage to be located in the lower level; (d) the first floor will contain Recorder, Assessor, Treasurer, and Auditor departments along with vault and storage for each; (e) updates to the second floor, including but not limited to: (i) repurposing of existing courtroom as a council meeting room and (ii) Surveyor, Building, Planning and Zoning, Economic Development and future IT Departments relocation; (f) restoration, replacement, or repair of bell tower and clock equipment; (g) scanning and digitization of County records; (h) miscellaneous capital improvement, renovation and/or equipping projects at one or more facilities operated or to be operated by the County, furniture and equipment, IT infrastructure costs, professions moving costs, and all projects related to any of the foregoing, all of which will be operated by the County (collectively, the “Facilities”), and

(2) a lease between the Building Corporation, as lessor, and the County, as lessee, for all or any portion of the Facilities, including the site and appurtenances thereto (the “Premises”) (clauses (1) and (2) collectively, the “Project”);

WHEREAS such petition has been carefully considered and investigations have been conducted by this Board;

WHEREAS the Board finds that a need exists for the Project, and that the County cannot provide the necessary funds to pay the costs of the Project to meet such needs;

WHEREAS it is deemed desirable to proceed with the necessary negotiations and all other steps looking toward the completion of the Project;

WHEREAS there have been prepared drawings, plans, specifications, and estimates for the costs of the Project;

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WHEREAS said drawings, plans, and specifications will be submitted to the agencies designated by law to pass on plans and specifications for such buildings, and the estimates for the costs of the Project have been submitted to and now meet with the approval of this Board; and

WHEREAS it now appears to this Board that said drawings, plans, specifications, and estimates provide for the renovations of the Facilities described herein;

WHEREAS this Board now desires, to the extent permitted by law, to take all of the necessary steps to enter into a lease, and there has been prepared and previously submitted to the members of the Board a proposed form of the lease (the "Lease"), by and between the Corporation, as lessor, and the County, as lessee, to include the lease of all or any portion of the Premises in accordance with the terms and conditions set forth in this resolution and in the Lease; and

WHEREAS lease rentals under the Lease shall be payable solely from the revenues of an *ad valorem* tax levied by the County on all taxable property in the County pursuant to the IC 36-1-10-17, as amended (the "Property Tax Revenues"),

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF PULASKI COUNTY, INDIANA, that:

Section 1. Need exists for the Project, and the Project cannot be provided from any funds available to the County, and this Board shall proceed to take such steps as may be necessary to secure (1) the acquisition of all or any portion of the Premises by the Corporation, (2) the payment of all costs of the Project and all of the costs associated therewith by the Corporation and the County, and (3) the leasing of all or any portion of the Premises by the Corporation to the County as provided by Indiana Code 36-1-10, as amended, with a term not to exceed twenty (20) years from the date the Bonds are issued, for an annual lease rental not to exceed \$1,135,000.

Section 2. The Project is in the public interest of the citizens of the County and is a proper public purpose for which this Board agrees to cooperate with the Corporation and assist it in fulfilling the requirements of all agencies, including the federal, state, and city governments.

Section 3. The Corporation, being duly organized to conduct business, may issue, sell and deliver its bonds (the "Bonds"), pursuant to the applicable laws of the State of Indiana, may encumber any real property or equipment acquired by it for the purpose of financing the Project and may enter into contracts for the sale of the Bonds and the acquisition, construction, and renovation of said Facilities and the site thereof.

Section 4. Upon the redemption or retirement of the Bonds to be issued by the Corporation in connection with the financing of the Project, the County will accept all or any portion of the Premises from the Corporation, as existing or as constructed, free and clear of all liens and encumbrances thereon, except as otherwise provided therefor in the Lease.

Section 5. The County shall apply the proceeds received by the County from the sale of all or any portion of the Premises to the Corporation to the costs of all or any portion of the Project not funded by the Corporation.

Section 6. The terms and conditions of the proposed form of the Lease and the plans, drawings, specifications, and estimates of the Project are hereby approved and agreed to as the basis for a hearing as required by law, and such hearing shall be held by this Board upon the necessity for the execution of the Lease and whether the lease rental provided therein is a fair and reasonable rental for all or any portion of the Premises prior to the final determination of such questions so that this Board may determine whether to execute the Lease as now written or as modified hereafter by agreement of the parties prior to execution, and the President of the Board is hereby authorized to call said hearing, at such date, time, and location, as determined by the President of the Board.

Section 7. Any member of the Board or officer or attorney of the County is authorized pursuant to Indiana Code 36-1-10-11, to appoint appraisers (the "Appraisers") to determine the fair market value of the Real Estate upon which the Project will be constructed (the "Real Estate"). Following the issuance of each series of the Bonds and upon receipt of cash in an amount not less than the amount fixed by the Appraisers as the fair market value of the Real Estate, the President of the

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Board be, and hereby is, authorized and directed, in the name and on behalf of the County, to execute and deliver one or more special warranty or quitclaim deeds conveying title to all or a portion of the Premises to the Corporation.

Section 8. Any officer of the County be, and hereby is, authorized, empowered and directed, on behalf of the County to publish notices of said public hearings and to take any other action as such officer deems necessary or desirable to effectuate the foregoing resolutions, and any such publication or other actions heretofore made or taken be, and hereby are, ratified and approved.

Passed and adopted by the Board on the 18th day of September 2023.

BOARD OF COMMISSIONERS OF PULASKI  
COUNTY, INDIANA

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Charles R. Mellon, Jr., President

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Maurice Loehmer, Vice President

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John M. "Mike" McClure, Member

ATTEST:

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Laura Wheeler, County Auditor