

PULASKI COUNTY RESOLUTION NO. 2023-17
BY THE BOARD OF COMMISSIONERS OF PULASKI COUNTY, INDIANA,
AMENDING RESOLUTION 2023-13 AND APPROVING THE TERMS AND CONDITIONS
REGARDING THE FIRST AMENDMENT TO LEASE AMONG PULASKI COUNTY, INDIANA,
AND THE PULASKI COUNTY COURTHOUSE BUILDING CORPORATION AND TAKING
OTHER ACTIONS REGARDING THE LEASE, AS AMENDED BY THE PROPOSED FIRST
AMENDMENT TO LEASE

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

WHEREAS the Board of Commissioners of the County ('Board') previously approved a form of Lease pursuant to Resolution 2021-13 on 18 September 2023 ('Resolution 13') and confirmed the form of such Lease pursuant to Resolution 2023-14 on 2 October 2023 ('Resolution 14'), and, in accordance with Resolution 14, the Board and the Board of Directors of the Corporation ('Directors') have executed the Lease, dated as of 9 October 2023 ('Original Lease') between the County, as lessee, and the Corporation, as lessor, for the purpose of financing the Project (as defined in Resolution 13); and

WHEREAS the Board now desires, to the extent permitted by law, to take all of the necessary steps to enter into a first amendment to the Original Lease, and there has been prepared and previously submitted to the members of the Board a proposed form of the first amendment to lease ('First Amendment'), by and among the Corporation, as lessor, and the County, as lessee, to amend the Premises (as defined in the Original Lease, the Premises as so defined in the Original Lease, as amended by the proposed First Amendment, hereinafter defined as the 'Amended Premises') to include the Pulaski County Justice Center and the site thereof in addition to the original Premises under the Lease which included the Pulaski County Courthouse facility and the site thereof in accordance with the terms and conditions set forth in this resolution and in the Lease which will allow for the elimination or reduction of capitalized interest with respect to the Project;

NOW, THEREFORE, BE THE FOLLOWING RESOLVED BY THE BOARD:

Section 1. Except as expressly set forth in this Resolution, all of the terms, provisions, and information and authorizations set forth in Resolution 13 are incorporated herein by reference and remain in full force and effect.

Section 2. Moreover, the Board hereby continues to determine that 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 Amended 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 Amended Premises by the Corporation to the County as provided by *Indiana Code (I.C.) 36-1-10*, as amended, with a term continuing not to exceed twenty (20) years from the date the Bonds (as defined in the Original Lease) are issued, continuing to be for an annual lease rental not to exceed \$1,135,000.

Section 3. The County shall apply the proceeds received by the County from the sale of all or any portion of the Amended Premises to the Corporation to the costs of all or any portion of the Project not funded by the Corporation.

Section 4. The terms and conditions of the proposed form of the First Amendment 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 First Amendment and whether the lease rental provided in the Original Lease, as amended by the First Amendment, is a fair and reasonable rental for all or any portion of the Amended 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 8:30 *a.m.* Eastern Time on Monday, 30 October 2023, at the Pulaski County Highway garage.

Section 5. Any member of the Board or officer or attorney of the County is authorized pursuant to *I.C. 36-1-10-11*, to appoint appraisers ('Appraisers') to determine the fair market value of the Amended Premises. Following the issuance of each series of the Bonds and upon receipt of cash in

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an amount not less than the amount fixed by the Appraisers as the fair market value of the Amended Premises, the President of the 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 Amended Premises to the Corporation.

Section 6. 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 this 16th day of October 2023.

BOARD OF COMMISSIONERS OF PULASKI
COUNTY, INDIANA

Charles R. Mellon, Jr., President

Maurice Loehmer, Vice President

John M. McClure, Commissioner

ATTEST:

Nathan P. Origer,
Courthouse Project Manager