

BILL NO. S-15-02-32

SPECIAL ORDINANCE NO. S-_____

ORDINANCE AUTHORIZING AND PROVIDING FOR THE
ISSUANCE BY THE CITY OF FORT WAYNE, INDIANA OF ITS
ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 2015
(PARK CENTER PROJECT) FOR THE PURPOSE OF
REFUNDING PRIOR OBLIGATIONS OF THE ISSUER ISSUED
FOR THE BENEFIT OF PARK CENTER, INC., AN INDIANA
NOT-FOR-PROFIT CORPORATION ("BORROWER") AND
FINANCING THE COSTS OF CONSTRUCTING AND
EQUIPPING CERTAIN SITE IMPROVEMENTS FOR THE
BORROWER; AUTHORIZING THE EXECUTION, DELIVERY
AND PERFORMANCE OF A BOND PURCHASE AND LOAN
AGREEMENT AND RELATED DOCUMENTS WITH RESPECT
TO SAID BONDS; AND APPROVING AND AUTHORIZING
OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized and
empowered by the Indiana Code §36-7-11.9 and 12 (the "Act"), as supplemented and
amended, to finance land, buildings or other improvements suitable for industrial,
commercial or manufacturing enterprises for the purposes set forth in the Act; and

WHEREAS, under the Act, the Issuer is empowered to refund revenue bonds
so issued from time to time by the issuance of additional revenue bonds of the Issuer;
and

WHEREAS, Park Center, Inc., an Indiana not-for-profit corporation (the
"Borrower") has acquired, constructed and equipped certain economic development
facilities (the "Project"), located in Allen County, Fort Wayne, Indiana, and the
Issuer, in order to finance a portion of the costs of the Project pursuant to the
provisions of the Act, heretofore has issued and sold its Economic Development
Revenue Bonds, Series 2006 (Park Center, Inc. Project) in the original principal
amount of \$3,000,000, which are now outstanding in the principal amount of
approximately \$1,435,000 (the "Prior Bonds"); and

1 **WHEREAS**, the Borrower now proposes to cause the Prior Bonds to be paid
2 and, in order to permit interest cost savings anticipated by the Borrower and in
3 furtherance of the purposes set forth in the Act, the Issuer wishes to currently refund
4 the Prior Bonds by the sale and issuance of its refunding revenue bonds, and
5 authorizing such actions as might be required to implement such stated intention; and
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7 **WHEREAS**, the Fort Wayne Economic Development Commission has
8 rendered its Project Report for The Park Center Project, as hereinafter defined,
9 regarding the current refunding of the Prior Bonds and the financing of proposed
10 economic development facilities for the Borrower, and said Project Report has been
11 sent to the City of Fort Wayne Plan Commission for comment; and
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13 **WHEREAS**, the Fort Wayne Economic Development Commission
14 conducted a public hearing on February 19, 2015, and adopted a resolution on such
15 date, which Resolution has been transmitted to this Common Council, finding that
16 the financing of certain economic development facilities of the Borrower and the
17 current refunding of the Prior Bonds complies with the purposes and provisions of
18 the Act and that such financing will be of benefit to the health and welfare of the
19 City of Fort Wayne and its citizens; and
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21 **WHEREAS**, the Fort Wayne Economic Development Commission has
22 heretofore approved and recommended the adoption of this form of Ordinance by
23 this Common Council, has considered the issue of adverse competitive effect and has
24 approved the forms of and has transmitted for approval by the Common Council the
25 Bond Purchase and Loan Agreement among the Borrower, the Issuer and PNC Bank,
26 National Association, as the Original Purchaser (the "Loan Agreement") and the
27 Series 2015 Note of the Borrower (the "Series 2015 Note"); now therefor
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29 **BE IT ORDAINED BY THE CITY OF FORT WAYNE COMMON**
30 **COUNCIL THAT:**

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3 **SECTION 1.** It is hereby found that the financing of the economic
4 development facilities referred to in the Loan Agreement approved by the Fort
5 Wayne Economic Development Commission and presented to this Common
6 Council, the issuance and sale of the Issuer's Economic Development Refunding
7 Revenue Bonds, Series 2015 (The Park Center Project) (the "Series 2015 Bonds"),
8 the loan of the proceeds of the Series 2015 Bonds to the Borrower for the
9 construction and equipping of the economic development facilities and the current
10 refunding of the Prior Bonds, the payment of the Series 2015 Bonds by the note
11 payments of the Borrower under the Loan Agreement and the Series 2015 Note, and
12 the securing of said Series 2015 Bonds under the Loan Agreement complies with the
13 purposes and provisions of the Act and will be of benefit to the health and welfare of
14 the City of Fort Wayne and its citizens.

15 **SECTION 2.** The economic development facilities consists of the
16 refinancing of the Borrower's prior renovations and equipping of its 8,630 square
17 foot single story residential facility on 0.55 acres located at 3225 North Wells Street,
18 Fort Wayne, Indiana and its 52,260 square foot mental health services building on
19 2.79 acres located at 1909 Carew Street, Fort Wayne, Indiana both of which were
20 financed by the Prior Bonds, together with of the further renovation and equipping of
21 the second floor of the Borrower's facility located at 1909 Carew Street, Fort Wayne,
22 Indiana 46805 to house a 16-bed inpatient psychiatric unit to provide inpatient
23 services within the Borrower's continuum of care, replacement of electrical, backup
24 generator and cooling systems for such facility, and the replacement IT equipment,
25 including an IBM Power 8 Server and related equipment at a total approximate cost
26 of \$3,600,000 (the "Project").

27 **SECTION 3.** At the public hearing held by the Fort Wayne Economic
28 Development Commission, the Commission considered whether the economic
29 development facilities would have an adverse competitive effect on any similar
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1 facilities located in or near the City of Fort Wayne, and subsequently found, based
2 on special findings of fact set forth in the Resolution transmitted hereto that the
3 facilities would not have an adverse competitive effect. This Common Council
4 hereby confirms the findings set forth in the Commission's Resolution, and
5 concludes that the economic development facilities will not have an adverse
6 competitive effect on any other similar facilities in or near the City of Fort Wayne
7 and the facilities will be of benefit to the health and welfare of the citizens of the
8 City of Fort Wayne.

9 **SECTION 4.** The substantially final forms of the Loan Agreement and
10 Series 2015 Note approved by the Fort Wayne Economic Development Commission
11 are hereby approved (herein collectively referred to as the "Financing Agreement"
12 referred to in the Act), and the Financing Agreement shall be incorporated herein by
13 reference and shall be inserted in the minutes of this Council and kept on file by the
14 City Clerk in accordance with the provisions of I.C. 36-1-5-4. Two (2) copies of the
15 Financing Agreement are on file in the office of the City Clerk for public inspection.

16 **SECTION 5.** The Issuer shall issue its Series 2015 Bonds designated "City
17 of Fort Wayne, Indiana Economic Development Revenue Bonds, Series 2015 (Park
18 Center Project)" in a principal amount not to exceed Three Million Four Hundred
19 Fifteen Thousand and 00/100ths Dollars (\$3,415,000.00) (the "Series 2015 Bonds")
20 and maturing no later than March ___, 2031. The Series 2015 Bonds are to be issued
21 for the purpose of procuring funds to refund the Prior Bonds and to pay the costs of
22 construction and equipping of additional infrastructure improvements as more
23 particularly set out in the Loan Agreement incorporated herein by reference, which
24 Series 2015 Bonds will be payable as to principal, premium, if any, and interest from
25 the note payments made by the Borrower under the Loan Agreement and the Series
26 2015 Note or as otherwise provided in the above described Loan Agreement. The
27 Series 2015 Bonds shall be issued in fully registered form in denominations of
28 \$100,000 or any integral multiple of \$5,000 in excess thereof or as otherwise
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1 provided in the Loan Agreement. The Series 2015 Bonds shall be redeemable as
2 provided in Article III of the Loan Agreement. During the Bank Purchase Mode
3 Term (as such term is defined in the Loan Agreement), the Series 2015 Bonds shall
4 bear interest at a Variable Bank Purchase Rate equal to seventy percent (70%) of the
5 sum of (i) One Month LIBOR Rate plus (ii) two hundred (200) basis points, to be
6 adjusted on the first Business Day of each month thereafter during the initial Bank
7 Purchase Mode Term. Payments of principal and interest are payable in lawful
8 money of the United States of America at the at the principal corporate office of
9 PNC Bank, National Association, as the initial owner of the Series 2015 Bonds
10 during the initial Bank Purchase Mode Term (together with any subsequent owner of
11 the Series 2015 Bonds during the Bank Purchase Mode), or to any trustee serving
12 under the Loan Agreement during the Weekly Mode and the Flexible Mode (as those
13 terms are defined in the Loan Agreement), or any successor trustee. The Series 2015
14 Bonds shall never constitute a general obligation of, an indebtedness of, or a charge
15 against the general credit of the City of Fort Wayne, Indiana, nor are the Series 2015
16 Bonds payable in any manner from revenues raised by taxation.

16 **SECTION 6.** The Mayor and the City Clerk are authorized and directed to
17 sell the Series 2015 Bonds to PNC Bank, National Association, as the original
18 purchaser thereof (the "Original Purchaser") at a price of not less than 100.00% of
19 the principal amount thereof.

20 **SECTION 7.** The Mayor and the City Clerk are authorized and directed to
21 execute, attest, affix or imprint by any means the City of Fort Wayne seal to the
22 documents constituting the Financing Agreement approved herein on behalf of the
23 City of Fort Wayne and any other document which may be necessary or desirable
24 prior to on or after the date hereof to consummate or facilitate the transaction,
25 including, without limitation, the Series 2015 Bonds authorized herein. The Mayor
26 and the City Clerk are hereby expressly authorized to approve any modifications or
27 additions to the documents constituting the Financing Agreement which take place

1 after the date of this Ordinance with the review and advice of counsel to the City, it
2 being the express understanding of this Council that said Financing Agreement is in
3 substantially final form as of the date of this Ordinance. The approval of said
4 modifications or additions shall be conclusively evidenced by the execution and
5 attestation thereof and the affixing of the seal thereto or the imprinting of the seal
6 thereon; provided, however, that no such modification or addition shall change the
7 maximum principal amount of, interest rate provisions on or term of the Series 2015
8 Bonds as approved by this Council by this Ordinance without further consideration
9 by this Common Council. The signatures of the Mayor and the City Clerk on the
10 Series 2015 Bonds may be either manual or facsimile signatures. The City Clerk is
11 authorized to arrange for delivery of such Series 2015 Bonds to the Original
12 Purchaser, and payment for the Series 2015 Bonds will be made in accordance with
13 the terms set forth in the Loan Agreement. The Series 2015 Bonds shall be
originally dated the date of issuance and delivery thereof.

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15 **SECTION 8.** It is the intention of this Council that this Ordinance shall
16 constitute the approval of this Common Council under Section 147(f) of the Internal
Revenue Code of 1986, as amended, with respect to the Series 2015 Bonds.

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18 **SECTION 9.** The provisions of this Ordinance and the Loan Agreement
19 securing the Series 2015 Bonds shall constitute a contract binding between the City
20 of Fort Wayne, Indiana and the holders of the Series 2015 Bonds, and after the
21 issuance of said Series 2015 Bonds, this Ordinance shall not be repealed or amended
22 in any respect which would adversely affect the rights of such holders so long as any
23 of said Series 2015 Bonds or the interest thereon remains unpaid.
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1 **SECTION 10.** This Ordinance shall be in full force and effect from and after
2 its passage and signing by the President of the Common Council.
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4 COMMON COUNCIL OF THE CITY
5 OF FORT WAYNE, INDIANA

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7 _____
8 John Crawford, President

9 APPROVED AS TO FORM AND LEGALITY:
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12 Carol Helton, City Attorney
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Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Ordinance Authorizing and Providing for the Issuance by the City of Fort Wayne, Indiana of its Variable Rate Demand Economic Development Revenue Bonds, Series 2015 (Park Center Project) for the Purpose of Refunding Prior Obligations of the Issuer Issued for the Benefit of Park Center, Inc., and Financing the Costs of Constructing and Equipping Certain Site Improvements for the Borrower; Authorizing the Execution, Delivery and Performance of a Bond Purchase and Loan Agreement and Related Documents with Respect to Said Bonds and Approving and Authorizing Other Actions in Respect Thereto

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: Park Center, Inc. is seeking approval for economic development revenue bond financing in the amount not to exceed \$3,415,000 to refinance prior renovations funded under a 2006 bond and further renovate and equip the second-story of their three-story, 52,260 square foot mental health services building on 2.79 acres of land at 1909 Carew Street to house a 16-bed inpatient psychiatric unit to provide inpatient services.

EFFECT OF PASSAGE: In order to expand its services, Park Center, Inc. will further renovate its facilities. 14 full-time and 10 part-time jobs will be created as a result of the project.

EFFECT OF NON-PASSAGE: Potential loss of development and 24 jobs

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS): No expenditures of public funds required.

ASSIGNED TO COMMITTEE (PRESIDENT): Tom Didier and Russ Jehl