

**A RESOLUTION OF THE
COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA,
AUTHORIZING THE PURCHASE OF CERTAIN TAXABLE
ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 2018
(FOX AND MAIN LLC PROJECT)**

WHEREAS, the City of Fort Wayne, Indiana (the "City") is authorized by Indiana Code 36-7-11.9 and 12, as supplemented and amended (the "Act"), to issue revenue bonds for the financing of economic development facilities, the funds for said financing to be used for the acquisition, construction, installation and equipping of said facilities; and

WHEREAS, Fox and Main LLC (the "Applicant") has advised the City of Fort Wayne Economic Development Commission (the "Commission") and the City that it proposes that the City issue economic development revenue bonds for the purpose of providing financing for a portion of certain economic development facilities, including the acquisition, construction, installation and equipping of a 125-room hotel with restaurant, lounge and retail areas, including a rooftop reception and amenity space, located within the City at 204 and 226 West Main Street (the "Project"); and

WHEREAS, the real estate, the building and the equipment comprising the Project will be owned by the Applicant for use in its business; and

WHEREAS, the Applicant has proposed that the City issue its economic development tax increment revenue bonds under the Act with the aggregate principal amount of said revenue bonds to be issued not to exceed \$5,494,050 to finance a portion of the costs of the acquisition and installation of the Project under a financing agreement whereby the proceeds of such bonds would be utilized to acquire and install the Project and the bonds would be special, limited obligations of the City payable solely from the tax increment revenues expected to be generated by the Project and pledged for such purpose by the Fort Wayne Redevelopment Commission, and the bonds would not constitute an indebtedness of the Commission or the City or a loan of the credit thereof within the meaning of any constitutional or statutory provisions; and the Applicant has further advised the City that the determination by the City to accept such a proposal for

1 financing the Project will constitute a substantial inducement to the Applicant to proceed
2 with the Project; and

3 WHEREAS, the Applicant has submitted evidence regarding the lack of
4 an adverse competitive effect of the Project on similar facilities already constructed or
5 operating in the City; and

6 WHEREAS, it is estimated that the Project will result in the creation of
7 eighty-one (81) jobs with an estimated annual payroll of approximately \$33,510 per
8 employee; and

9 WHEREAS, the Commission has rendered a report concerning the
10 proposed financing of economic development facilities for the Applicant which report
11 incorporates findings of fact by the Commission; and

12 WHEREAS, the Commission has given its approval to such financing of
13 the Project; and

14 WHEREAS, said revenue bonds are payable solely from tax increment
15 revenues expected to be generated by the Project and in no manner shall said revenue
16 bonds reduce the bonding capacity of the City; and

17 WHEREAS, the issuance of said revenue bonds shall not obligate the full
18 faith and credit for the taxing power of the City; and

19 WHEREAS, subject to required approvals, it appears that the financing of
20 the Project would be a public benefit to the health, prosperity, economic stability and
21 general welfare of the City and its inhabitants; and

22 WHEREAS, City has adopted an ordinance authorizing the issuance of
23 certain Taxable Economic Development Revenue Bonds, Series 2018 (Fox and Main
24 LLC Project) (the "Bonds"); and

25 WHEREAS, City has previously adopted a resolution appropriating and
26 pledging available County Economic Development Income Tax revenues to the Project
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1 in the total amount of \$750,000 to be paid in six equal annual installments of \$125,000
2 (the "Pledged Revenues"); and

3 WHEREAS, City has determined to use the Pledged Revenues to
4 purchase a portion of the Bonds in the amount of \$750,000 in six annual installments of
5 \$125,000;

6 NOW, THEREFORE, BE IT RESOLVED BY THE COMMON
7 COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

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9 SECTION 1. The Common Council ratifies and confirms that the creation
10 and retention of opportunities for gainful employment and the creation of business
11 opportunities to be achieved by the Project in the City will be of benefit to the health and
12 general welfare of the citizens of the City; and that it is in the public interest that this
13 Common Council take such action as it lawfully may to encourage diversification of
14 industry and promotion of job opportunities in the City.

15 SECTION 2. The Common Council further ratifies and confirms that the
16 issuance and sale of economic development tax increment revenue bonds of the City
17 under the Act in an aggregate principal amount not to exceed \$5,494,050 for the Project
18 and the proceeds of the revenue bonds to the Applicant will serve the public purposes
19 referred to above, in accordance with the Act.

20 SECTION 3. The Common Council hereby authorizes the purchase of a
21 portion of the Bonds in the amount of \$750,000 in six annual installments of \$125,000,
22 and the Mayor, the Controller and the Clerk are, and each of them is, authorized and
23 directed to execute, attest and affix or imprint by any means the seal of the City to the
24 Bond Purchase Agreement approved by the City and the other documents necessary or
25 desirable, prior to, on or after the date hereof, to consummate the purchase of the Bonds
26 as described in this resolution.

27 SECTION 4. The Bonds purchased shall be limited, special obligations of
28 the City payable solely from tax increment revenues expected to result from completion
29 of the Project, and shall not constitute an indebtedness of the Commission or the City or
30 a loan of the credit thereof.

1 SECTION 5. This Resolution shall be in full force and effect from and
2 after the time it has been adopted by the Common Council, approved by the Mayor, and
3 otherwise executed and delivered in accordance with any and all laws pertaining thereto.
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7 Council Member

8 APPROVED AS TO FORM AND LEGALITY:

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10 Carol Helton, City Attorney
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