

RESOLUTION NO. 060722

RESOLUTION OF THE MCCORDSVILLE REDEVELOPMENT
COMMISSION PLEDGING TAX INCREMENT GENERATED
IN THE BROADWAY/AURORA WAY ALLOCATION AREA

WHEREAS, the McCordsville Redevelopment Commission ("Redevelopment Commission") adopted a declaratory resolution on July 3, 2014, as amended on May 5, 2016, establishing the Broadway Economic Development Area ("Broadway Area ") and an allocation area ("Broadway Allocation Area") in accordance with IC 36-7-14-39 for the purpose of capturing property taxes generated from the incremental assessed value of real property located in the Broadway Allocation Area ("Broadway Tax Increment") and approving the economic development plan for the Broadway Allocation Area (as amended, "Original Broadway Plan"), which Original Broadway Plan contained specific recommendations for economic development in the Broadway Area;

WHEREAS, the Commission adopted a declaratory resolution on April 4, 2019, establishing the McCordsville Mt. Comfort Corridor Economic Development Area ("Mt. Comfort Area"), and establishing the Aurora Way Allocation Area ("Aurora Way Allocation Area") in accordance with IC 36-7-14-39 for the purpose of capturing property taxes generated from the incremental assessed value of real property located in the Aurora Way Allocation Area ("Aurora Way Tax Increment") and approving the economic development plan for the Mt. Comfort Area ("Original Mt. Comfort Plan"), which Original Mt. Comfort Plan contained specific recommendations for economic development in the Mt. Comfort Area;

WHEREAS, the Broadway Tax Increment and the Aurora Way Tax Increment are hereinafter collectively referred to as the "Tax Increment");

WHEREAS, the Original Broadway Plan and the Original Mt. Comfort Plan are hereinafter collectively referred to as the "Original Plans;"

WHEREAS, on March 1, 2022 the Commission adopted an amending declaratory resolution ("Amending Declaratory Resolution") to: (i) consolidate the Broadway Area and the Mt. Comfort Area to be known as the "Broadway/Mt. Comfort Economic Development Area" via the right-of-way of County Road 600 (commonly known as Mt. Comfort Road) ("Area"); (ii) consolidate the Broadway Allocation Area and the Aurora Way Allocation Area to be known as the "Broadway/Aurora Way Allocation Area" via the right-of-way of County Road 600 ("Allocation Area"); (iii) remove the real property shown on the map attached thereto as Exhibit A (and currently within parcel number 30-01-25-200-010.000-018 to be the privately owned mixed-use portion of the project commonly known as "McCord Square") to be subsequently subdivided and recorded via secondary plat, which subsequent parcel number or numbers will be certified and recorded prior to January 1, 2023 from the Broadway Allocation Area in order to create a new tax allocation area to be identified as the "McCord Square Allocation Area"; and (iv) add the construction of the Project to the Original Plans (collectively, "2022 Plan");

WHEREAS, the Town is issuing its Economic Development Lease Rental Revenue Bonds, Series 2022 (Rebar Project) ("Bonds"), pursuant to a Trust Indenture dated as of June 1, 2022 between the Town and a financial institution to be selected to serve as trustee ("Trust Indenture"), the proceeds of which will be used to finance the costs of the construction of infrastructure improvements including, but not limited to, roads, ponds and walking paths and other amenities as set forth in the Town's Master Development Plan ("Project") to support a mixed-use development consisting of multi-family housing, commercial/real estate and governmental buildings, together with all necessary infrastructure, green and recreational space ("Facility"), in or physically connected to the Allocation Area; (iii) funding capitalized interest; (iv) funding a debt service reserve; and (iv) paying costs of issuance, including premiums for a debt service reserve surety/and or municipal bond insurance, if necessary;

WHEREAS, the Commission has determined to pledge all of the Tax Increment generated in the Allocation Area, minus annual fees not to exceed \$5,000, received by the Commission to the Town for the payment of hereinafter defined Sublease Rentals, for a term not to exceed the final maturity date of the Bonds ("TIF Revenues");

WHEREAS, in order to finance a portion of the Project, the Commission has determined that it is in the best interest of the Town and its residents to pledge the TIF Revenues; and

WHEREAS, the Commission believes that pledging the TIF Revenues will help further the accomplishment of the 2022 Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE MCCORDSVILLE REDEVELOPMENT COMMISSION, THAT:

1. The Commission hereby finds that the pledge of TIF Revenues to the payment of Sublease Rentals (as defined in the Sublease Agreement between Rebar McCordsville, LLC ("Developer") and Rebar McCordsville, Inc. ("Owner," and jointly and severally with the Developer, the "Company"), as lessor, and the Town, as lessee ("Sublease Agreement"), to be used by the Company to pay lease rentals pursuant to a Lease Agreement between the Town, as lessor, and the Company, as lessee ("Lease Agreement"), which lease rentals will be used by the Town to pay debt service on the Bonds issued to construct the Project, will help accomplish the 2022 Plan for the Area and will promote the economic development of the Town and the Area.

2. The Commission hereby irrevocably pledges TIF Revenues to the payment of Sublease Rentals pursuant to the Sublease Agreement.

3. The Commission has no prior liens, encumbrances or other restrictions on its ability to pledge the TIF Revenues.

4. The Commission reserves the right to enter into other obligations or leases or subleases payable from Tax Increment, in whole or in part, and to pledge the Tax Increment on a parity with the pledge of TIF Revenues to the payment of Sublease Rentals in accordance with the following requirements for the purpose of raising money for future local public

improvements in, serving or benefiting the Area ("Parity Obligations"). The authorization and issuance of such Parity Obligations shall be subject to the following conditions precedent:

(a) All interest and principal payments due under the Bonds and any Parity Obligations payable from Tax Increment shall be current to date in accordance with the terms thereof, with no payment in arrears;

(b) For Parity Obligations payable from Tax Increment, the Commission shall have received a certificate prepared by an independent, qualified accountant ("Certifier") certifying the amount of the Tax Increment estimated to be received in each succeeding year, adjusted as provided below, which estimated amount shall be at least equal to one hundred thirty-five percent (135%) of the lease rental and debt service requirements with respect to the outstanding Bonds and the proposed Parity Obligations for each respective year during the term of the outstanding Bonds and proposed Parity Obligations. In estimating the Tax Increment to be received in any future year, the Certifier shall base the calculation on assessed valuation actually assessed or estimated to be assessed as of the assessment date immediately preceding the issuance of the Parity Obligations and any new property for which a building permit has been issued; and

(c) Principal of and interest on any Parity Obligations or junior obligations, sublease rentals and lease rentals on Parity Obligations which are leases shall be payable semiannually on January 15 and July 15.

5. This resolution shall be effective upon passage.

Adopted June 7, 2022.

MCCORDSVILLE REDEVELOPMENT
COMMISSION

Alex Jordan, President

Attest:

Brian Hurley, Secretary