

MCCORDSVILLE MUNICIPAL FACILITIES BUILDING CORPORATION

RESOLUTION NO. 090324

**A RESOLUTION OF THE MCCORDSVILLE MUNICIPAL FACILITIES
BUILDING CORPORATION APPROVING AMENDMENT #2 TO BUILD-
OPERATE-TRANSFER AGREEMENT**

WHEREAS, the McCordsville Municipal Facilities Building Corporation (the “Building Corporation”) has previously approved and executed a Build-Operate-Transfer Agreement (McCordsville Public Safety Project), dated June 29, 2023 (the “BOT Agreement”), among the Building Corporation, the Town of McCordsville, Indiana (the “Town”) and GM Development Companies, LLC, in connection with the acquisition, construction, improvement and equipping of a new police station in the Town, and all necessary and related improvements (collectively, the “Project”); and

WHEREAS, the BOT Agreement provided for a purchase price cap of \$11,737,332.00 and an amendment to the BOT Agreement (the “First Amendment”) was approved by the Town for the purpose of increasing the purchase price cap by an additional \$350,000.00 to a cap of \$12,087,332.00; and

WHEREAS, a second amendment to the BOT Agreement (the “Second Amendment”) has been proposed to the Town for the purpose of increasing the purchase price cap by an additional \$499,995.00 to a cap of \$12,587,327.00; and

WHEREAS, the Board of Directors of the Building Corporation (the “Board”) has been advised that the Second Amendment is necessary to cover the costs of the shooting range build-out and outfitting for the Project from that originally approved in the BOT Agreement and that such additional costs will be paid for by the Town as reflected in the Second Amendment through an increase in the Town contributed funds or use of remaining BAN funds, or accrued interest from the BAN; and

WHEREAS, the Board, having considered the matter and been so advised, finds that the Second Amendment should be approved;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the McCordsville Municipal Facilities Building Corporation, as follows:

Section 1. The Second Amendment is hereby approved substantially in the form submitted at this meeting, a copy of which Amendment is attached hereto and incorporated herein and in the minute books of the Municipal Building Corporation.

Section 2. The form of the Amendment attached hereto and approved and adopted hereby is in substantially final form, and the Board hereby authorizes the President and the Secretary to approve such changes in form or substance to the Second Amendment as may be

necessary or appropriate to accomplish the purposes of this resolution, with any such approval to be conclusively evidenced by such authorized execution of such Amendment.

Section 3. The President and Secretary, together and/or individually, are hereby authorized and directed to execute such documents and instruments as may be necessary to effectuate the intent of this resolution and the Second Amendment. In the event the President or Secretary is not available to sign any such documents, including the Amendment, the Vice-President may sign on their behalf.

Section 4. This resolution shall be in full force and effect from and after its passage.

Adopted this 3rd day of September 2024.

MCCORDSVILLE MUNICIPAL FACILITIES
BUILDING CORPORATION
BOARD OF DIRECTORS

Bryan Burney, President

Larry Longman, Vice-President

Donna Price, Secretary

ATTEST:

Allyson Hamlin, Recording Secretary