

RESOLUTION NO. 101023A

A RESOLUTION OF THE TOWN OF MCCORDSVILLE, INDIANA APPROVING AMENDMENT TO BUILD-OPERATE-TRANSFER AGREEMENT

WHEREAS, the Town Council of the Town of McCordsville, Indiana (the “Council”) and “Town”, respectively) has previously approved and executed a Build-Operate-Transfer Agreement (McCordsville Public Safety Project), dated June 29, 2023 (the “BOT Agreement”), among the McCordsville Municipal Facilities Building Corporation, 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 “Amendment”) has been provided to 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, the Council has been advised that the Amendment is necessary to cover the costs of additional mechanical equipment 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 Amendment through an increase in the Town contributed funds; and

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

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of McCordsville, Indiana, as follows:

Section 1. The 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 Council.

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 Town Council President and the Clerk-Treasurer to approve such changes in form or substance to the 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 Town Council President and Clerk-Treasurer, 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 Amendment. In the event the

Town Council President or Clerk-Treasurer 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 effective as of the date of its adoption.

Passed and adopted by the Town Council of the Town of McCordsville, Indiana on this 10th day of October 2023.

TOWN OF MCCORDSVILLE, INDIANA
TOWN COUNCIL

Gregory J. Brewer, President

Larry J. Longman, Council Member

Scott Jones, Council Member

Bryan Burney, Council Member

Branden D. Williams, Council Member

ATTEST:

Stephanie Crider, Clerk-Treasurer