

RESOLUTION NO. 050625A

A RESOLUTION OF THE TOWN OF MCCORDSVILLE REDEVELOPMENT
COMMISSION AWARDING A PUBLIC-PRIVATE AGREEMENT
FOR A ROAD & UTILITY INFRASTRUCTURE PROJECT

WHEREAS, the Town of McCordsville Redevelopment Commission (the “Commission”) is the governing body of the Redevelopment District of the Town of McCordsville, Indiana (the “Town”), as a special taxing district (the “District”), all in accordance with Indiana Code 36-7-14 and 36-7-25, each as amended; and

WHEREAS, in accordance with the Indiana Code 5-23, as amended (the “Public-Private Statute”), the Commission issued a request for proposals and qualifications for the design, construction, operation, and transfer of a road & utility infrastructure project for the Town (the “Project”); and

WHEREAS, as provided in the Public-Private Statute, the Commission and the selected developer will enter into a “public-private agreement” addressing: (a) the construction, operation, and transfer of the Project; and (b) the acquisition of the completed Project by the Town through the Commission (the “Public-Private Agreement”); and

WHEREAS, the design, construction, and transfer of the Project by the selected developer, and the acquisition of the completed Project by the Town, through the Commission, collectively constitute the “Public-Private Transaction”; and

WHEREAS, following its review of the submitted proposals, the committee formed by the Commission to review proposals submitted with respect to the Project recommended that the Commission award the Public-Private Transaction to Patch Development (the “Developer”); and

WHEREAS, not fewer than seven (7) days before the date of the public hearing held on the date of the adoption of this resolution, and as required by the Public-Private Statute: (a) notice of such public hearing was published in accordance with Indiana Code 5-3-1, as amended; and (b) all proposals, together with the recommendation, were made available for inspection and copying in accordance with Indiana Code 5-14-3, as amended; and

WHEREAS, at the conclusion of the properly noticed and conducted public hearing, the Commission elected to award the Public-Private Transaction to the Developer; and

WHEREAS, the Commission now desires to: (a) award the Public-Private Transaction to the Developer; and (b) authorize the execution of the Public-Private Agreement in substantially the form attached hereto as Exhibit A and incorporated herein by reference, and all other documents and certificates necessary or reasonably appropriate to effectuate the Public-Private Transaction (collectively, the “Transaction Documents”), as each is negotiated, finalized, and approved by the Town Council President or the President of the Commission, or their designees (each an “Authorized Individual”).

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF MCCORDSVILLE REDEVELOPMENT COMMISSION, GOVERNING BODY OF THE DISTRICT, AS FOLLOWS:

Section 1. Award. Pursuant to and in accordance with the Public-Private Statute, the Commission hereby: (a) awards the Public-Private Transaction to the Developer; and (b) confirms that the Public-Private Agreement will constitute a “Public Private Agreement” under the Public-Private Statute.

Section 2. Document Authorization. The Commission hereby authorizes the execution of the Transaction Documents in the form to be negotiated, finalized, approved, and executed by the Authorized Individual, acting on behalf of the Commission. Execution of the Transaction Documents by the Authorized Individual shall evidence the Authorized Individual’s approval thereof.

Section 3. Other Actions. The Authorized Individual and such other officers, staff members, service providers and firms as he may direct, are hereby authorized to take any and all actions necessary or reasonably appropriate to effect the resolutions set forth herein. Any such actions taken, including any documents or certificates executed and delivered, hereby are ratified, confirmed, and approved.

Section 4. No Conflict. All ordinances, resolutions, and orders (or parts thereof) that conflict with the provisions of this resolution hereby are repealed to the extent of such conflict. After the execution of the Public-Private Agreement, and until all amounts contemplated under the Public-Private Agreement to be paid by the Commission have been paid in full: (a) this resolution shall not be repealed or amended; and (b) the Commission shall not adopt any resolution that adversely affects this resolution.

Section 5. Severability. If any section, paragraph, or provision of this resolution is held to be invalid or unenforceable for any reason, then the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this resolution.

Section 6. Effectiveness. This resolution shall be in full force and effect from and after its passage.

Passed and adopted this 6th day of May 2025.

TOWN OF MCCORDSVILLE, INDIANA
REDEVELOPMENT COMMISSION

Alex Jordan, President

Ruth Hess, Vice President

Larry J. Longman, Secretary

Dale E. Needleman, Member

Peter Murphy, Member

ATTEST:

Allyson Hamlin, Recording Secretary

EXHIBIT A

Form of Public-Private Agreement