

RESOLUTION NO. 15-107

**RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF WESTFIELD, INDIANA,
REQUESTING THE LEASING OF ECONOMIC DEVELOPMENT FACILITIES
AND TAKING OTHER ACTIONS REGARDING THE PROPOSED LEASE
(GRAND PARK INDOOR ATHLETIC FACILITY)**

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9 and 12 (collectively, the “Act”) declares a unit of government may lease, as lessee, economic development facilities and that such constitutes a public purpose; and

WHEREAS, pursuant to the Act, the City of Westfield, Indiana (the “City”) is authorized enter into a lease, as lessee, for the purpose of causing the acquisition, construction, installation and equipping of economic development facilities in order to foster diversification of economic development, creation of business opportunities and creation or retention of opportunities for gainful employment in or near the City; and

WHEREAS, Holladay Properties Grand Sports I, LLC (the “Company”) desires to construct and lease to the City economic development facilities to be undertaken by the Company consisting of the acquisition, construction and equipping of an indoor athletic facility to be used for field sports and ancillary uses containing approximately 380,000 square feet to be located in Grand Park at 701 E. 191st Street, Westfield, Indiana (the “Project”) pursuant to a lease agreement between the Company, as Lessor, and the City, as Lessee, (the “Lease”); and

WHEREAS, the Company has arranged for financing of the Project; and

WHEREAS, this Council has studied the Project and the proposed leasing of the Project to the City and its effects on the health and general welfare of the City and its citizens; and

WHEREAS, the completion of the Project will result in the diversification of industry, the creation and retention of jobs, the creation and retention of business opportunities in the City, and will be of public benefit to the health safety and general welfare of the City and its citizens; and

WHEREAS, pursuant to and in accordance with the Act, the City desires to enter into the Lease; and

WHEREAS, there have been prepared plans and specifications and cost estimates for the Project, which have been reviewed by this Council; and

WHEREAS, the Lease will be payable from any legally available revenues of the City; and

WHEREAS, there has been submitted to this Council a proposal form of the Lease, cost estimates, plans and specifications for the Project; and

WHEREAS, having received and studied and having given substantial reconsideration of the terms of the Lease, its public purpose and the subject matter thereof and the cost and plans and specifications of the Project, it is deemed desirable to proceed with the necessary negotiations and all other steps looking toward the leasing of the Project by the Company to the City.

NOW, THEREFORE, BE IT RESOLVED BY THE WESTFIELD COMMON COUNCIL, THAT:

Section 1. A need exists for the Project, and the Project cannot be provided from any funds available to the City, and this Council shall proceed to take such steps as may be necessary to secure (1) the acquisition and construction by the Company of the Project and all of the costs associated therewith by the Company, and (2) the leasing of the Project by the Company to the City pursuant to the Act.

Section 2. The providing for the leasing of the Project to the City is in the public interest of the citizens of the City and is a proper public purpose for which this Council agrees to cooperate with the Company and assist it in fulfilling the requirements of all agencies, including federal, state and city governments.

Section 3. Upon the expiration of the term of the Lease, the City will accept from the Company the Project, free and clear of all liens and encumbrances thereon, except as otherwise provided therefore in the Lease.

Section 4. The terms and conditions of the proposed form of Lease are preliminarily approved and agreed to as the basis for a public hearing as required by law to be held by this Council regarding the necessity for the execution of the Lease and whether the lease rental provided therein is a fair and reasonable rental for the Project which public hearing shall be held prior to the final determination of such questions so that this Council may determine whether to

execute such Lease as now written or as modified hereafter by agreement of the parties prior to execution, and such hearing is to be held at 7:00 p.m., local time, on February 9, 2015, in the Westfield City Hall, Assembly Room, 130 Penn Street, Westfield, Indiana.

Section 5. Any officer of the City shall be, and hereby is, authorized, empowered and directed, on behalf of the City to publish a notice of such public hearing and to take any other action as such officer deems necessary or desirable to effectuate this Resolution, and any such publication or other actions heretofore made or taken are hereby ratified and approved.

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ADOPTED AND PASSED THIS 26th DAY OF JANUARY, 2015, BY THE WESTFIELD COMMON COUNCIL, HAMILTON COUNTY, INDIANA.

**WESTFIELD COMMON COUNCIL
Hamilton County, Indiana**

WESTFIELD COMMON COUNCIL

Voting For

Voting Against

Abstain

Jim Ake

Jim Ake

Jim Ake

Steve Hoover

Steve Hoover

Steve Hoover

Robert L. Horkay

Robert L. Horkay

Robert L. Horkay

Charles Lehman

Charles Lehman

Charles Lehman

Bob Smith

Bob Smith

Bob Smith

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

Robert Stokes

Robert Stokes

Robert Stokes

ATTEST:

Cindy Gossard, Clerk-Treasurer
City of Westfield, Indiana

I hereby certify that RESOLUTION 15-107 was delivered to the Mayor of Westfield on the _____ day of _____, 2015, at ____:____.m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE Resolution 15-107
this _____ day of _____, 2015
at ____:____.m.

I hereby VETO Resolution 15-107
this _____ day of _____, 2015
at ____:____.m.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

I affirm under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. /s/ James T. Crawford, Jr.

This document prepared by James T. Crawford, Jr., Esq. Krieg DeVault LLP, 161 Lakeview Drive, Noblesville, IN 46060, (317) 238-6239.