

MONTGOMERY COUNTY BOARD OF COMMISSIONERS

RESOLUTION 2021-12

RESOLUTION APPROVING LEASE FOR COURTHOUSE ANNEX

WHEREAS, the Montgomery County Building Corporation ("Corporation") has been or will be organized pursuant to the Indiana Non-Profit Corporation Act of 1991 for the purpose of acquiring a site or sites, constructing, renovating, expanding and equipping governmental buildings, including a building or buildings to be used as a new courthouse annex facility, together with all necessary appurtenances, related improvements and equipment, including acquiring land, existing building or buildings and demolition thereof, constructing, renovating, improving, or expanding the same, leasing governmental facilities, including the acquisition of an approximately 40,000 square foot renovated building to be used as a new courthouse annex with approximately 40 offices, meeting rooms and associated amenities, including required surface parking, together with all necessary appurtenances, related improvements and equipment, together with all necessary appurtenances, related improvements and equipment (collectively, "Project") for use by Montgomery County, Indiana ("County"); and

WHEREAS, a petition in **four** (4) counterparts, signed by Fifty-Six (56) taxpayers of the County has been filed with the Board requesting the acquisition and leasing of the Project by the Corporation and leasing the Project from the Corporation; and

WHEREAS, such petition has been carefully considered and investigations have been conducted by this Board, both before and after the filing of said petition; and

WHEREAS, it is deemed desirable to proceed with all steps necessary for the acquisition of the Project by the Corporation and the lease of the Project to the County; and

WHEREAS, a proposed lease for the acquisition of the Project ("Lease") with the Corporation has been drafted and submitted; and

WHEREAS, the Lease provides that lease rentals will be payable from a tax levied on all taxable property in the County; and

WHEREAS, it now appears to this Board that the Project provides the necessary County facilities for the citizens of the County, and that the proposed Lease with the Corporation, as Lessor, provides for fair and reasonable rentals;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MONTGOMERY COUNTY, INDIANA, THAT:

Section 1. Providing for the financing of the acquisition of the Project by the Montgomery County Building Corporation ("Corporation") and the leasing of same to Montgomery County, Indiana ("County") is in the public interest of the citizens of the County and it is a proper public purpose for which this Board agrees to cooperate with the Corporation and to assist it in fulfilling the requirements of all agencies of the federal, state and county governments.

Section 2. The petition of taxpayers heretofore filed with this Board is hereby approved.

Section 3. The terms and conditions of the proposed form of the lease is approved and agreed to as the basis for a hearing, as required by law, and that such hearing should be held by this Board upon the necessity for the execution of such lease and whether the lease rentals provided therein are fair and reasonable rentals for the proposed Project, prior to final determination of such questions, so that this Board may determine whether to execute such Lease as now written, or as modified, said hearing to be held September 13, 2021 at 8:00 a.m. in the Montgomery County Courthouse, Room 103, 100 East Main Street, Crawfordsville, Indiana.

Section 4. The Auditor is authorized and directed to publish a notice of such hearing as required by law.

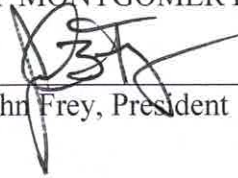
Section 5. Upon the redemption or retirement of the bonds to be issued by the Corporation, the County will accept from the Corporation title to the Project, free and clear of any and all liens and encumbrances thereon.

Section 6. The Lease will be for a maximum term of twenty (20) years with a maximum annual lease rental of \$440,000, beginning on July 1, 2022. The purpose of the Lease is to provide for the acquisition of the Project.

Section 7. This resolution shall be in full force and effect from and after its passage.

Passed and adopted by the Board of Commissioners of Montgomery County, this 23rd day of August, 2021.

BOARD OF COMMISSIONERS,
OF MONTGOMERY COUNTY, INDIANA



John Frey, President

James D. Fulwider, Vice President



Dan Guard, Member

ATTEST:

Jennifer Andel, County Auditor

This instrument was prepared by Lisa A. Lee, Ice Miller LLP, One American Square, Suite 2900, Indianapolis, Indiana 46282.