

**RESOLUTION NO. 2020-*23***

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF  
HENDRICKS COUNTY, INDIANA APPROVING EXECUTION OF LEASE AND  
RELATED MATTERS**

WHEREAS, on August 25, 2020, the Board of Commissioners of Hendricks County, Indiana (the "Board"), adopted Resolution No. 2020-26, approving a petition signed by fifty (50) or more taxpayers of Hendricks County, Indiana (the "County") requesting the Board (1) to enter into negotiations with the Hendricks County Building Facilities Corporation (the "Corporation"), for the financing of the acquisition, construction, improvement, and/or equipping of all or any portion of a new county jail facility to be located on a +/- 14 acre parcel near the southeast corner of East Main Street and East Campus Boulevard, Danville, Indiana 46122 and any related improvements, all to be used for the purposes of providing incarceration, community corrections or other law enforcement or criminal justice services by the County (the "Project"), and (2) to enter into a lease between the Corporation, as lessor, and the County, as lessee, for all or a portion of the existing county jail facility located at 925 E Main St, Danville, Indiana 46122 and the new county jail facility to be located on a +/- 14 acre parcel near the southeast corner of East Main Street and East Campus Boulevard, Danville, Indiana 46122, including the site and appurtenances thereto (collectively, the "Premises"); and

WHEREAS, the Board has previously examined and approved a form of lease (the "Lease") with the Corporation for the financing of the Project; and

WHEREAS, lease rentals under the Lease shall be payable solely from the revenues of the adjusted gross income tax levied and collected by the County pursuant to Indiana Code § 6-3.6-6-2.7 (the "Jail Income Tax Revenues"), and to the extent that the Jail Income Tax Revenues are insufficient to pay such amounts, from the revenues of an ad valorem tax levied by the County on all taxable property in the County pursuant to the IC 36-1-10-17 (the "Property Tax Revenues"); and

WHEREAS, based on the estimated amount of future Jail Income Tax Revenues, the County reasonably expects all lease rentals to be paid from Jail Income Tax Revenues, and not paid from Property Tax Revenues; and

WHEREAS, notice of a public hearing on the proposed Lease was given by publication as required by law; and

WHEREAS, on the date hereof, a public hearing was conducted in accordance with IC 36-1-10-13 as to whether the execution of the Lease is necessary and whether the rentals in the Lease are fair and reasonable for the Project; and

WHEREAS, the Board has considered the testimony and other evidence presented at the public hearing.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF HENDRICKS COUNTY, INDIANA RESOLVES THE FOLLOWING:

Section 1. Providing for the financing, acquisition, construction, improvement, and/or equipping of the Project by the Corporation and the leasing of the same to the County, as lessee, is in the public interest of the citizens of this County, and is a proper public purpose for which this Board agrees to cooperate with the Corporation and to assist in fulfilling the requirements of all agencies of federal, state and county governments.

Section 2. The proposed Lease in the form presented on the date hereof is hereby approved and confirmed in accordance with IC 36-1-10-13. The Lease provides for a fair and reasonable rental, and further, the execution of the Lease is necessary and wise. The Auditor of the County is authorized and directed to initial and date a copy of the proposed Lease and to place the same in the record book immediately following the minutes of this meeting, and further, the Lease is hereby made a part of this Resolution as fully as if the same were set forth herein.

Section 3. The members of this Board are hereby authorized and directed to execute, in the name and on behalf of the County, the Lease, including the addenda attached as exhibits to the Lease, with such changes as the members of this Board deem necessary or advisable, and the Auditor of the County, is hereby authorized and directed to attest such execution of the Lease.

Section 4. Any officer of the County be, and hereby is, authorized, empowered and directed, on behalf of the County to publish notice of the execution of the Lease as required by law.

Section 5. Any member of the Board of Commissioners or the County Council, the Auditor of the County, and the County Attorney are hereby authorized, empowered and directed, on behalf of the County to take any other action as such individual deems necessary or desirable to effectuate the foregoing resolutions, and any actions heretofore made or taken be, and hereby are, ratified and approved.

Adopted this 13<sup>th</sup> day of October, 2020.

BOARD OF COMMISSIONERS OF  
HENDRICKS COUNTY, INDIANA

Phyllis A. Palmer  
Commissioner

[Signature]  
Commissioner

Bob [Signature]  
Commissioner

ATTEST:

Nancy R. Marsh  
County Auditor