

RESOLUTION NO. 2022-10

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF LEXINGTON, NEBRASKA, APPROVING A REDEVELOPMENT CONTRACT FOR A REDEVELOPMENT PROJECT UNDERTAKEN BY R. PERRY CONSTRUCTION, INC., AS SET FORTH IN THE "AMENDMENT TO THE REDEVELOPMENT AREA #1 REDEVELOPMENT PLAN (THE R. PERRY CONSTRUCTION, INC. REDEVELOPMENT PROJECT)"; AND AUTHORIZING ISSUANCE OF ITS TAX INCREMENT FINANCING PROMISSORY NOTE PURSUANT TO THE TERMS OF THE REDEVELOPMENT CONTRACT.

WHEREAS, the Mayor and Council of the City of Lexington, Nebraska (the "City"), previously approved a redevelopment plan entitled "Amendment to the Redevelopment Area #1 Redevelopment Plan (The R. Perry Construction, Inc. Redevelopment Project)" (the "Plan"); and

WHEREAS, the Community Development Agency of Lexington, Nebraska (the "Agency"), has for its consideration, attached hereto and incorporated herein as Exhibit "A", a proposed form of the redevelopment contract by and between the R. Perry Construction, Inc. ("Redeveloper"), as redeveloper, and the Agency, with respect to a redevelopment project specified in the Plan (the "Redevelopment Contract").

NOW, THEREFORE, BE IT RESOLVED, by the Agency, as follows:

Section 1. That the Redevelopment Contract by and between the Agency and the Redeveloper, in the form presented, is hereby acknowledged and approved. The Agency Chairperson and Secretary are hereby authorized to execute said Redevelopment Contract in substantially the form presented but with such changes as they shall deem appropriate or necessary. The execution and delivery by the Agency Chairperson of the Redevelopment Contract, or any such documents, instruments, agreements or certifications relating to such matters contained in the Redevelopment Contract, shall conclusively establish their authority with respect thereto and the authorization and approval thereof.

Section 2. That, pursuant to the terms of the Redevelopment Contract, the Agency is hereby authorized to issue that certain tax increment financing promissory note, in the principal amount of \$2,901,000 at a 5.00% rate of interest, as detailed in the Redevelopment Contract, in substantially the same form as that set forth in Exhibit "D" of the Redevelopment Contract (the "TIF Note"), but with such changes as the Agency deems appropriate or necessary.

Section 3. That the TIF Note shall be executed on behalf of the Agency by its Chairperson and Secretary, and shall be delivered to Redeveloper in consideration of the Redeveloper's expenditures under and pursuant to the Redevelopment Contract which are eligible for reimbursement from tax increment financing.

Section 4. That Redeveloper shall have a first-priority lien interest on all payments allocated to the TIF Note, pursuant to and in conformance with the terms of the Redevelopment Contract.

Section 5. That the Agency's administration of the TIF Note shall be governed by the terms of this Resolution, the Redevelopment Contract and the terms set forth in the TIF Note.

Section 6. That, unless excepted under the law, interest on the TIF Note shall be subject to taxation for both federal and Nebraska state income taxes, as and to the extent provided by law, and no information report shall be filed with the Internal Revenue Service under Section 149(e) of the Internal Revenue Code.

Section 7. The Agency Chairperson and Secretary, on behalf of the Agency, or any one of them, are hereby authorized to take any and all actions, and to execute any and all documents deemed by them necessary to effect the transactions authorized by this Resolution and the Redevelopment Contract.

Section 8. This Resolution shall be in force and take effect from and after its adoption as provided by law.

INTRODUCED BY _____

PASSED AND ADOPTED THIS ____ DAY OF _____, 2022.

CHAIRPERSON

ATTEST:

SECRETARY

EXHIBIT "A"
Redevelopment Contract

(See attached)