

Sponsors: Councilman Kalwinski
Councilman Torres

RESOLUTION NO. R03

CITY COUNCIL OF HAMMOND, INDIANA

AWARDING BUILD-OPERATE-TRANSFER AGREEMENT AND
TAKING CERTAIN OTHER RELATED ACTIONS

WHEREAS, pursuant to Resolution No. 10-2021, the Redevelopment Commission of the City of Hammond, Indiana (the "HRC"), adopted the provisions of Ind. Code. §5-23, *et seq.* (the "BOT Statute");

WHEREAS, the Council now desires to acknowledge, agree to, and accept the adoption by the HRC of the BOT Statute;

WHEREAS, as authorized by Resolution No. 10-2021, and in accordance with the BOT Statute, the HRC issued a request for proposals and qualifications (the "RFPQ") for the design, construction, temporary operation, and transfer of a new firehouse and related infrastructure, the scope of which would be determined as the HRC proceeded through the process set forth in the BOT Statute (the "Project");

WHEREAS, as required by the BOT Statute, there has been established a committee to review all proposals received as a result of the issuance of the RFPQ and, thereafter, to make a recommendation to the HRC and to the Common Council of the City of Hammond (the "Council") as to which proposal to accept (the "RFPQ Committee");

WHEREAS, as the RFPQ Committee proceeded through the process required by the BOT Statute in connection with the receipt and review of proposals and qualifications, the RFPQ Committee agreed that the selected developer and the HRC would execute certain agreements, including a "build-operate-transfer agreement" addressing the design, financing, construction, temporary operation, and transfer of the Project (the "BOT Agreement");

WHEREAS, the design, financing, construction, temporary operation, and transfer of the Project, and the necessary or reasonably appropriate actions taken to complete the foregoing, collectively, constitute the "BOT Transaction";

WHEREAS, following its review of the submitted proposals, the RFPQ Committee has advised the Council (and will so advise the HRC) that it recommends awarding the BOT Transaction to Hasse Construction Company, Inc., or a to-be-formed affiliate or assignee thereof (as applicable, the "Developer");

WHEREAS, not fewer than seven days before the date hereof, and as required by the BOT Statute: (a) notice of the public hearing occurring on the date hereof was published in accordance with Ind. Code §5-3-1; and (b) all proposals, together with the recommendation letter, were made available for inspection and copying in accordance with Ind. Code §5-14-3;

WHEREAS, the public hearing required by the BOT Statute has occurred on the date hereof; and

WHEREAS, the Council now desires to: (a) approve and authorize the award of the BOT Transaction to the Developer, subject to final agreement on the terms and conditions of the BOT Agreement; and (b) take certain additional actions related to such award.

ACCORDINGLY, BE IT RESOLVED BY THE CITY COUNCIL OF HAMMOND, INDIANA, AS FOLLOWS:

1. Adoption of Indiana Code §5-23. The Council hereby acknowledges, agrees to, and accepts the adoption of the BOT Statute by the HRC.

2. Award. Pursuant to and in accordance with the BOT Statute, the Council hereby: (a) approves the award of the BOT Transaction to the Developer, subject to final agreement on the terms and conditions of the BOT Agreement; and (b) confirms that, when finalized, approved by the HRC and executed, the BOT Agreement will constitute a "BOT Agreement" under the BOT Statute.

3. Document Authorization. The Council hereby authorizes the execution of any and all other documents and certificates to be executed by the City and HRC necessary or reasonably appropriate to effectuate the BOT Transaction in the form to be negotiated, finalized, approved, and executed by the Mayor of the City (the "Authorized Individual"), acting in consultation with counsel and the HRC on behalf of the City. Execution of the Transaction Documents by the Authorized Individual shall evidence the Authorized Individual's approval thereof.

4. Other Actions. The Authorized Individual and the officers of the Council hereby are authorized to take any and all actions, including executing and delivering any documents or certificates, that the Authorized Individual or any such officer deems to be 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.

5. 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 issuance of the BOT Agreement, and until all payments due thereunder have been paid in full: (a) this Resolution shall not be repealed; (b) this Resolution may be amended only with the consent of the Developer and, if the Developer has provided financing, Developer's lender or its assignee; and (c) the Council shall not adopt any ordinance or resolution that in any way adversely affects this Resolution.

6. 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.

7. Effectiveness. This Resolution shall be in full force and effect from and after its passage.

[Signature Page Follows]

PASSED AND ADOPTED by the City Council of Hammond, Indiana, at a public hearing held this 24th day of April, 2023.




Scott Rakos, President, Hammond
Common Council

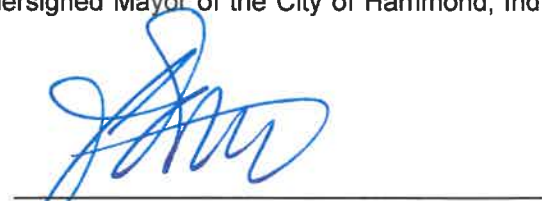
ATTEST:


Robert J. Golec, City Clerk
City of Hammond, Indiana

PRESENTED BY ME, the undersigned City Clerk of the City of Hammond, Indiana, to the Mayor for approval and signature this 25th day of April, 2023.


Robert J. Golec, City Clerk
City of Hammond, Indiana

The foregoing Resolution No. R03 consisting of three (3) typewritten pages, including this signature page, was APPROVED AND SIGNED BY ME, the undersigned Mayor of the City of Hammond, Indiana this 25th day of April, 2023.


Thomas M. McDermott, Jr., Mayor
City of Hammond, Indiana

Passed by the Common Council on the 24th day of APRIL, 2023 and
APPROVED by the Mayor on the 25th day of APRIL, 2023.


Robert J. Golec, City Clerk