

RESOLUTION NO. 28-2014

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, APPROVING AN AGREEMENT WITH PRATT PAPER (IN), LLC, AND PRATT INDUSTRIES, INC., AND AUTHORIZING OTHER ACTIONS IN CONNECTION THEREWITH

WHEREAS, the City of Valparaiso (the “City”) and Valparaiso City Utilities (“VCU” and, together with the City, the “City Parties”) desire to foster economic development within the City; and

WHEREAS, Pratt Paper (IN), LLC (“Pratt Paper”) has requested that the City issue not to exceed \$10,000,000 of its Taxable Economic Development Revenue Bonds, Series 2014 (Pratt Paper (IN), LLC) (the “Bonds”) and provide the proceeds thereof to Pratt Paper to be applied to the cost of sewage pre-treatment facilities to be used in connection with Pratt Paper’s recycled linerboard and corrugated medium manufacturing facility to be located on land adjacent to 3155 S. State 49, Valparaiso, Indiana and related facilities; and

WHEREAS, the City will pay the Bonds from net revenues from the City’s sewage works; and

WHEREAS, in consideration of the City’s issuance of the Bonds, Pratt Paper and Pratt Industries, Inc. have agreed to be jointly and severally liable to the City Parties to make payments to VCU, in the event that Pratt Paper, for any reason, ceases to be a user of the City’s sewer service or is otherwise no longer subject to the debt service surcharge set forth in the City’s sewage works rate ordinance, in amounts sufficient to provide for full payment of the then remaining debt service on the Bonds until final retirement of the Bonds, as more fully set forth in the form of Agreement set forth in Exhibit A hereto; and

WHEREAS, additionally, in consideration of the City’s issuance of the Bonds, Pratt Paper and Pratt Industries, Inc. have agreed to be responsible to the City Parties to make certain additional payments to VCU, as set forth in the form of Agreement set forth in Exhibit A hereto;

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, RESOLVES THE FOLLOWING:

Section 1. The Council hereby approves the Agreement substantially in the form of Exhibit A hereto.

Section 2. The Mayor of the City (the “Mayor”) is hereby authorized and directed to execute the Agreement in the name and on behalf of the City, and the Clerk-Treasurer of the City (the “Clerk-Treasurer”) is hereby authorized and directed to attest such execution of the Agreement, in the form set forth in Exhibit A, with such changes as the Mayor shall approve, such approval to be evidenced by his execution thereof.

Section 4. The Mayor, the Clerk-Treasurer or any other officer of the City is hereby authorized and directed to take any action as such officer deems necessary or desirable to effectuate this Resolution, and any such actions heretofore taken are hereby ratified and approved.

Passed by the Common Council of the City of Valparaiso, Indiana, by a _____ vote of all members present and voting this ____ day of _____, 2014.

Jonathon Costas, Mayor

ATTEST:

Sharon E. Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this ____ day of _____, 2014, at _____ o'clock p.m.

Sharon E. Swihart, Clerk-Treasurer

This Resolution approved and signed by me this ____ day of _____, 2014, at _____ o'clock p.m.

Jonathon Costas, Mayor