

AUBURN ECONOMIC DEVELOPMENT COMMISSION

RESOLUTION NO. 07-2025

AUBURN ECONOMIC DEVELOPMENT COMMISSION OF
THE CITY OF AUBURN, INDIANA RESOLUTION
APPROVING ISSUANCE OF NOTE AND OTHER ACTIONS IN
RESPECT THERETO

WHEREAS, relieving conditions of unemployment and underemployment, and encouraging economic development and redevelopment of the community to reduce the evils associated with unemployment and underemployment are essential to the health, safety and welfare of the City of Auburn, Indiana ("City") and its citizens; and

WHEREAS, the City is authorized by IC 36-7-11.9 and -12 (collectively, "Act") to: (i) deliver the Note for the financing of economic development facilities consisting of all or a portion of the construction of economic development facilities, including the construction of 14 "Class-A market rate" apartments on the second and third floors, two private residences on the fourth floor, 10,000 sq/ft of flex commercial space, parking, retail facilities, and public infrastructure, together with all necessary appurtenances, equipment and related improvements (collectively, "Project") and the funds from said financing to be used for construction of the Project and costs of issuance, and the Project is anticipated to result in an investment of approximately \$17,615,000.00 in improvements in the Northwest Economic Development Area ("Area"); and (ii) to make direct loans to users or developers for the financing of economic development facilities, including the construction of 14 "Class-A market rate" apartments on the second and third floors, two private residences on the fourth floor, 10,000+/- sq/ft of flex commercial space, parking, retail facilities, and public infrastructure, , together with all necessary appurtenances, related improvements and equipment (collectively, "Project") in or physically connected to the Area to be used for the financing of a portion of the Project; and

WHEREAS, the Project and the Project are collectively referred to as the "Projects;" and

WHEREAS, pursuant to the Act, the financing of economic development facilities constitutes a public purpose; and

WHEREAS, Auburn Development Group, LLC ("Company") has requested the City to fund Taxable Economic Development Revenue Note, Series 2025 ("2025 Note") in an amount not to exceed Two Million Dollars (\$2,000,000); and

WHEREAS, the Auburn Economic Development Commission ("Commission") has studied the Projects and the proposed financings of the Projects and their effect on the health and general welfare of the City and its citizens; and

WHEREAS, the completion of the Projects will result in the diversification of industry, the creation and retention of jobs, the creation and retention of business opportunities in the City, and will be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, pursuant to and in accordance with the Act, the City desires to provide funds necessary to finance a portion of the Project and Project by issuing the 2025 Note pursuant to the Loan Agreement; and

WHEREAS, the Auburn Redevelopment Commission is expected to adopt a resolution to use TIF Revenues (as defined therein) to fund the 2025 Note as defined and set forth in the Loan Agreement each between the Company and the City and to authorize the use of TIF Revenues to provide funds to the Company to pay a portion of the costs of the Project ("Loan"), respectively; and

WHEREAS, the diversification of industry, increase in housing, and increase in job opportunities to be achieved by the construction of the Projects and the economic development facilities related thereto will be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, there has been submitted to the Commission for its approval forms of the Loan Agreement, the Financing and Covenant Agreement and the forms of the proposed Ordinances of the Council with respect to the Projects and the Series 2025 Note;

WHEREAS, pursuant to Indiana Code 36-7-12-24, as amended, the Commission published notice of a public hearing ("Public Hearing") on the proposed issuance and funding of the Series 2025 Note to finance a portion of the Projects;

WHEREAS, on the date hereof the Commission held the public hearing on the Projects; and

WHEREAS, no member of the Commission has any pecuniary interest in any employment, financing agreement or other contract made under the provisions of the Act and related to the Loan authorized herein, which pecuniary interest has not been fully disclosed to the Commission and no such member has voted on any such matter, all in accordance with the provisions of Indiana Code 36-7-12-16;

NOW, THEREFORE, BE IT RESOLVED BY THE AUBURN ECONOMIC DEVELOPMENT COMMISSION THAT:

Section 1. The Commission has conducted public hearings and considered any and all evidence and comments provided, and the Commission hereby finds, determines, ratifies and confirms that the financing of the economic development facilities referred to in the hereinafter defined Financing Documents, consisting of the Projects; and the issuance and funding of the Series 2025 Note with TIF Revenues (as defined therein), to pay a portion of the cost of the Projects: (i) will result in the diversification of industry, the creation and retention of business opportunities and the creation or retention of opportunities for gainful employment within the jurisdiction of the City; (ii) will serve a public purpose, and will be of benefit to the health and general welfare of the City; (iii) complies with the purposes and provisions of the Act and it is in the public interest that the City take such lawful action as determined to be necessary and desirable to encourage the diversification of industry, the creation or retention of business opportunities, and the creation or retention of opportunities for gainful employment within the jurisdiction of the

City; and (iv) will not have a material adverse competitive effect on any similar facilities already constructed or operating in or near the City.

Section 2. It finds that the proposed financings in the aggregate amount not to exceed \$2,000,000 for the construction of the Project in or physically connected to the Northwest Economic Development Area ("Area") and funded from the original Northwest Economic Development Allocation Area and the 2008 Expansion Allocation Area TIF Revenues, presented to this meeting complies with the purposes and provisions of the Act and will be of benefit to the health and welfare of the City and its citizens. The Commission further finds and determines that the promotion of diversification of economic development and increase in the investment in real property in the City is desirable to preserve the health, safety and general welfare of the citizens of the City, and that it is in the public interest that the Commission and the City take such action as they lawfully may to encourage economic development, diversification of industry and promotion of job opportunities in and near the City.

Section 3. The Commission hereby finds and determines that the funding of the 2025 Note in an amount not to exceed \$2,000,000 by the City under the Act for the construction of the Projects will serve the public purposes referred to above, in accordance with the Act.

Section 4. The financing of the economic development facilities will consist of the construction of the Projects to be located at 301 South Main Street, in Auburn, Indiana.

Section 5. The substantially final forms of the Financing and Covenant Agreement between the City and the Company with respect to the Project, the Loan Agreement between the City and Company with respect to the Project (including the form of the 2025 Note), and form of Loan Ordinance for the City Council presented to this meeting are hereby approved.

Section 6. The Commission hereby approves the report with respect to the Projects presented at this meeting. The Secretary of the Commission shall submit such report to the executive director or chairperson of the Plan Commission of the City.

Section 7. It has considered whether the Projects will have an adverse competitive effect on any similar facilities already under construction or in operation in the City, and now makes the following special findings of fact based upon the evidence presented:

(a) No member of the public or competitor presented any evidence of substantial probative value establishing that the Projects would have any adverse competitive effect in any respect.

(b) In the absence of any evidence of any adverse competitive effect, the benefits to the public from the new investment to be generated by the Projects clearly indicate that the Projects should be supported by the issuance of the Series 2025 Note.

Section 8. In the absence of any evidence of substantial probative value of any adverse competitive effect, the benefits to the public from the new jobs and payroll to be generated by the Project, demonstrate that the Project should be supported by the making of the Loan.

Section 9. The Secretary shall initial and then insert a copy of the forms of documents approved by this resolution in the minute book of this Commission.

Section 10. Any officer of the Commission is hereby authorized and directed, in the name and on behalf of the Commission, to execute any and all other agreements, documents and instruments, perform any and all acts, approve any and all matters, and do any and all other things deemed by him or her necessary or desirable in order to carry out and comply with the intent, conditions and purpose of this resolution (including the preambles hereto and the documents mentioned herein), the Projects, the issuance and funding of the Series 2025 Note, and any such execution, performance, approval or doing of other things heretofore effected be, and hereby is, ratified and approved.

Section 11. The Secretary of the Commission shall transmit a copy of this resolution, together with two (2) copies of the forms of the Financing Documents and the Ordinances approved by this resolution, to the Office of the Clerk-Treasurer for presentation to the Council with the recommendation that the Council adopt the proposed form of Ordinances approving the issuance and funding of the Series 2025 Note and the Financing Documents in their substantially final forms as hereby recommended.

Adopted this 11th day of September, 2025.

AUBURN ECONOMIC DEVELOPMENT
COMMISSION

By: 
President

Attest:


Secretary