ORIGINAL

RESOLUTION NO. 2018-03

RESOLUTION OF THE TOWN OF WHITESTOWN, INDIANA, RELATING TO THE FINANCING OF THE PROPOSED SOUTH MAIN STREET PARK PROJECT AND APPROVING A FORM OF TAXPAYER PETITION IN CONNECTION THEREWITH

WHEREAS, the Town of Whitestown, Indiana (the "Town") has thoroughly studied and considered the acquisition, construction, improvement, equipping, financing and leasing of a municipal park to be located off of Main Street in the Town that would include, among other amenities, parking, trails, shelters with restrooms, playground facilities, a splash pad, tennis and basketball courts, athletic fields and a sled hill (collectively, the "South Main Street Park Project"), as more particularly described in the rendering thereof attached hereto as Exhibit A; and

WHEREAS, the Town Council of the Town (the "Council") finds that the Town should now commence the process necessary to provide for the financing and leasing of the South Main Street Park Project under the provisions of Indiana Code 36-1-10 and 6-1.1-20, each as amended, and other applicable laws (collectively, the "Act"); and

WHEREAS, pursuant to the Act, the Council finds that it is necessary to (i) recognize the Whitestown Municipal Facilities Building Corporation (the "Building Corporation"), an Indiana nonprofit corporation, as the issuer of the bonds and/or notes in the par amount not to exceed $5,000,000 to finance the South Main Street Park Project to be leased to the Town in accordance with the Act and (ii) approve a form of taxpayer petition in support of the acquisition, construction, improvement, equipping, financing and leasing of the South Main Street Park Project;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Whitestown, Indiana, as follows:

Section 1. The Council hereby recognizes the Building Corporation as the proposed issuer of the bonds and/or notes to finance the South Main Street Park Project to be leased by the Building Corporation to the Town in accordance with the Act.

Section 2. The Council hereby approves the form of taxpayer petition in support of the acquisition, construction, improvement, equipping, financing and leasing of the South Main Street Park Project pursuant to the Act, as attached hereto as Exhibit B (the "Taxpayer Petition"). The Town Manager and Clerk-Treasurer of the Town are each hereby directed to make counterparts of the Taxpayer Petition, together with instructions with respect thereto, available to any taxpayers of the Town requesting copies of the same. The Taxpayer Petition may be circulated in one or more counterparts by taxpayers of the Town for signature by other taxpayers of the Town and shall be filed with the Town Manager and/or Clerk-Treasurer.

ORIGINAL

Section 3. Upon receipt of at least 50 taxpayer signatures on the Taxpayer Petition, the Town Manager or the Clerk-Treasurer shall file the Taxpayer Petition, including counterparts thereof, with the Boone County Auditor for certification.

Section 4. The Council hereby authorizes the Town Manager and Clerk-Treasurer, together with the Town's municipal advisor, legal counsel, bond counsel, and such other staff members and consultants as they deem necessary, to take all steps necessary under the Act to carry out the intent of this resolution, including the acquisition, construction, improvement, equipping, financing and leasing of the South Main Street Park Project.

Section 5. This resolution shall be effective as of the date of its adoption.

Passed and adopted by the Town Council of the Town of Whitestown, Indiana on this 10th day of January, 2018.

TOWN OF WHITESTOWN, INDIANA
TOWN COUNCIL

President

Council Member

Council Member, vice President

Council Member

Council Member

ATTEST:

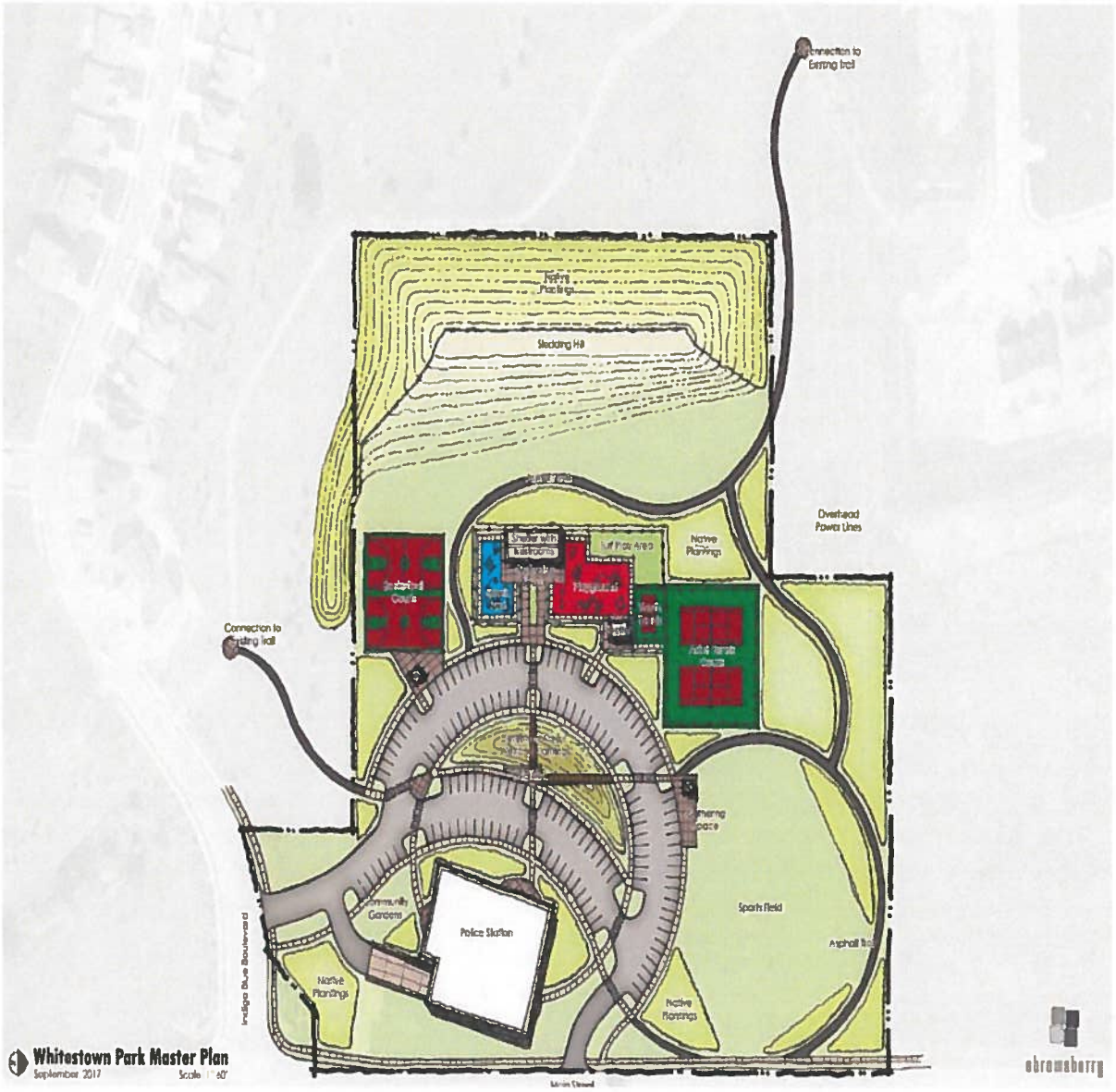
Matt Sumner, Clerk-Treasurer

3339584v1

ORIGINAL

EXHIBIT A

Rendering of South Main Street Park Project



3339584v1

ORIGINAL

EXHIBIT B

Form of Taxpayer Petition

ORIGINAL

INSTRUCTIONS
REGARDING CIRCULATION
OF A PETITION TO ENTER INTO A LEASE

1. Those who circulate a lease petition to obtain signatures must be Taxpayers of the Town which is to enter into the lease.

2. Whoever circulates a counterpart of the petition and executes the verifying affidavit attached thereto must also sign the petition.

3. Only one person can circulate each counterpart; the counterparts cannot be passed on from one person to another.

4. One person cannot sign for another. A husband and wife owning real estate jointly are each qualified signers, and it is not necessary for each to sign in order for the other to constitute a valid signer; however, each must sign separately if the signatures are to be counted as two separate signatures. In such cases, the wife should not sign as "Mrs. Joe Jones," but should sign her own name, thus "Mary Jones."

5. The signatures must be obtained in the presence of the person circulating the counterpart.

3339584v1

ORIGINAL

PETITION OF TAXPAYERS
COUNTERPART NO. _____

To:

Town Council of the Town of Whitestown, Indiana
Whitestown Municipal Complex
6210 Veterans Drive
Whitestown, Indiana 46075

Ladies and Gentlemen:

We, the undersigned taxpayers of the Town of Whitestown, Indiana (the "Town"), hereby petition to the Town Council of the Town to enter into negotiations for (1) the acquisition, construction, improvement and equipping by the Whitestown Municipal Facilities Building Corporation (the "Building Corporation") of a municipal park located off of Main Street in the Town and including, but not limited to, all or any portion of trails, parking, basketball courts, tennis courts, playground, splash pad, shelters and gathering areas with restrooms, sports fields and sledding hills, and all necessary and related improvements (collectively, the "South Main Street Park Project"); (2) the leasing by the Town of the South Main Street Park Project from the Building Corporation for the purpose of financing the South Main Street Park Project; and (3) the issuance of Bonds by the Building Corporation to pay certain costs of the South Main Street Park Project. We believe that a need exists for such facilities and that the Town cannot provide the necessary funds to pay the costs of such facilities required to meet the present need. We urge that action be taken as promptly as possible under Indiana Code 36-1-10 and 6-1.1-20 to secure the acquisition, construction, improvement, equipping and leasing of the needed facilities.

This petition may be circulated in several counterparts and all of said counterparts are to be considered as constituting one petition.

SIGNATURE	PRINTED NAME	ADDRESS	PHONE NO.
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			

3339584v1

ORIGINAL

SIGNATURE	PRINTED NAME	ADDRESS	PHONE NO.
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			
23.			
24.			
25.			
26.			
27.			
28.			
29.			
30.			
31.			
32.			
33.			
34.			
35.			
36.			
37.			
38.			
39.			
40.			

3339584v1

ORIGINAL

	SIGNATURE	PRINTED NAME	ADDRESS	PHONE NO.
41.				
42.				
43.				
44.				
45.				
46.				
47.				
48.				
49.				
50.				
51.				
52.				
53.				
54.				
55.				
56.				
57.				
58.				
59.				
60.				

3339584v1

ORIGINAL

STATE OF INDIANA)
) SS:
COUNTY OF BOONE)

_____, being first duly sworn upon his/her oath, deposes and says:

That he/she circulated the attached counterpart of the Petition of Taxpayers addressed to the Town Council of the Town of Whitestown, Indiana, and that all the signatures appearing on the attached counterpart of said petition were affixed in his/her presence and are true and lawful signatures of the persons signing said counterpart.

_____

Printed Name: _____

STATE OF INDIANA)
) SS:
COUNTY OF BOONE)

Subscribed and sworn to before me, a Notary Public, in and for said County and State, this _____ day of _____, 2018.

_____
Notary Public

Printed Name: _____

My Commission Expires:

_____

My County of Residence:

_____

3339584v1