

**TOWN COUNCIL
OF
THE TOWN OF WHITESTOWN
BOONE COUNTY, INDIANA**

RESOLUTION NO. 2025-16

**A RESOLUTION OF THE TOWN COUNCIL
SELECTING BUILD-OPERATE-TRANSFER DEVELOPER
FOR INFRASTRUCTURE IMPROVEMENTS**

WHEREAS, in accordance with I.C. 5-23, *et seq.* (the “Code”), the Town of Whitestown, Indiana (the “Town”) issued a request for proposals and qualifications (the “RFPQ”) for the design, development, construction, and/or operation of infrastructure improvements to CR 550/575 (the “Project”);

WHEREAS, the Town received responses to the RFPQ and convened a committee which proceeded to review such proposals and make recommendations to the Whitestown Town Council (the “Council”);

WHEREAS, following its review of the submitted proposals, the committee has recommended that the Council select respondent New City Development (“New City”) or an entity related thereto for discussion and negotiation of a prospective public-private partnership build-operate-transfer agreement (“BOT Agreement”) in accordance with the Code;

WHEREAS, not fewer than seven days before the date hereof, and as required by the Code, notice of the public hearing occurring on the date hereof was published in accordance with I.C. 5-14-3;

WHEREAS, the Council, having considered the recommendation of the committee, and having conducted a public hearing on the selection as required under the Code, now desires to: (a) select New City as the build-operate-transfer developer of the Project; and (b) authorize further negotiation with and execution of the BOT Agreement for development and operation of the Project.

ACCORDINGLY, be it resolved by the Town Council of the Town of Whitestown as follows:

- 1. Selection.** Pursuant to and in accordance with the Code, the Council hereby: (a) selects New City as the developer of the Project under a BOT Agreement; and (b) authorizes further discussion and negotiation of the BOT Agreement terms.
- 2. Document Authorization.** The Council authorizes the County officials and staff, acting in consultation with legal counsel and on behalf of the Council, to negotiate, finalize, and execute the BOT Agreement and any related agreements appurtenant to the BOT Agreement.
- 3. Other Actions.** The officers of the Council hereby are authorized to take any and all actions, including executing and delivering any documents or certificates, that the President 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.
- 4. 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.

5. **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.

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

ADOPTED AND APPROVED at a meeting of the Town Council of the Town of Whitestown, Boone County, Indiana, held on the 16th day of May, 2025.

TOWN COUNCIL
TOWN OF WHITESTOWN INDIANA

Dan Patterson, President

Eric Nichols, Vice President

Cheryl Hancock, Member

Tobe Thomas, Member

Courtenay Smock, Member

Attest:

By: _____
Matt Sumner, Clerk-Treasurer