PRF Gateway Utility Project

Project Information

The Gateway Utility Project will provide gravity sanitary sewer service and domestic water service to the area of State Street and Airport Road westward to the intersection of State Street and Dexter Lane in the City of West Lafayette, Indiana (the "Project"). The sanitary extension will include approximately 2,400 feet of 10" sewer main, 260 feet of 8" sewer main, and 12 manholes structures. The water main extension will include approximately 3,750 feet of 16 water main. Construction is anticipated to commence in July, 2015 and be completed in May, 2016.

Project costs will not exceed $3 million. No EDRB funds are being requested. The Applicant will provide its own financing for the Project and is asking the City only to act as conduit issuer for the financing in order to achieve a tax-exempt interest rate for the underlying credit facility. All appropriate documentation has been submitted to the City.

No toxic/hazardous waste, emissions, odors, visual air impacts, or noise pollution will be produced by the Project and onsite pretreatment of discharge is not necessary. No additional traffic will be created by this project.

PRF Gateway Utility Project

Project Impact Report

Description of the Economic Development Facility.

The Gateway Utility Project will provide gravity sanitary sewer service and domestic water service to the area of State Street and Airport Road westward to the intersection of State Street and Dexter Lane in the City of West Lafayette, Indiana (the "Project"). The sanitary extension will include approximately 2,400 feet of 10" sewer main, 260 feet of 8" sewer main, and 12 manholes structures. The water main extension will include approximately 3,750 feet of 16" water main.

Jobs and Payroll Estimate.

The Project will provide support and benefits to various facilities and save existing jobs within the area. Additionally, there will be nearly 14 temporary construction jobs with an average salary of $45,000.

Taxes

The Project will be property tax-exempt, as the extent of improvements are utility installations.

Public Safety and/or Welfare

The Project will provide utilities for the eventual large economic developments in the Gateway District, which will provide many public amenities.

Preservation

The Project will be new construction.

Estimated Project Cost.

The estimated cost of the Project is Two Million Dollars ($2,000,000).

Airport Rd
ick Rd.
W. State St.

Submitted by Councilor Hoggatt

RESOLUTION NO. 05-10 (AMENDED)

A RESOLUTION TO ESTABLISH A POLICY ON THE CRITERIA FOR CONSIDERING AND ISSUING ECONOMIC DEVELOPMENT REVENUE BONDS

WHEREAS, the Common Council is responsible for encouraging and promoting the economic health, development, and general welfare of the City of West Lafayette; and

WHEREAS, the Common Council is authorized by Indiana Code § 36-7-11.9 and 12 to approve the City's issuance of economic development revenue bonds and loan the proceeds of such bonds to organizations to further that objective; and

WHEREAS, the consideration and issuance of economic development revenue bonds is a complex policy, legal and administrative matter requiring clear direction and consistent action from the Common Council.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, that the following policy, guidelines, and procedures are adopted regarding the issuance of economic development revenue bonds.

I. POLICY

A. INTRODUCTION

The City of West Lafayette is organized and existing under the laws of the State of Indiana and is authorized by Indiana Code § 36-7-11.9 and 12:

> (a) To finance single, identified economic development or pollution control facilities and establish a program to finance multiple, unidentified economic development or pollution control facilities that promote a substantial likelihood of:
>
> (1) creating or retaining opportunities for gainful employment;
> (2) creating business opportunities;
> (3) providing reliable water services;
> (4) the abatement, reduction, or prevention of pollution;
> (5) the removal or treatment of substances in materials being processed that otherwise would cause pollution when used;
>
> and serve a public purpose and will be of benefit to the health or general welfare of the City of West Lafayette.

(b) Financing of economic development facilities including land; interests in land; site improvements; infrastructure improvements; buildings; structures; rehabilitation, renovation, and enlargement of buildings and structures; machinery; equipment; and furnishings and other permissible project expenditures.

B. INTENT

The intent of this policy is to provide an organized and consistent approach to, and mechanism for, the evaluation and processing of Economic Development Revenue Bond (EDRB) requests received by the City. This policy statement will provide to potentially interested persons an outline of how an EDRB request would be considered by the Common Council. It should be emphasized that the intent of this policy is to assure that each EDRB issue is in the best interests of the City of West Lafayette and will assist in the implementation of private projects that will improve and enhance the City and its residents. The Common Council is not obligated to issue an EDRB upon an applicant's request, but will evaluate each application based on the criteria set forth herein and other information deemed relevant by the Common Council. In cases where a request for EDRB funding is requested to be designated as Bank Qualified and such funding permitted in such year is limited, the City of West Lafayette and its relevant departments and commissions shall submit a report to the Common Council that accompanies any requested action by the Common Council and that details the City's proposed or foreseen uses within that year of Bank Qualified financing. If the City expects to utilize its full limit of Bank Qualified funding, the City shall have preference over the requested EDRB funding. If, after review by the Common Council at its regularly scheduled meeting, it is determined that the City will not exceed its Bank Qualified limit, such EDRB application will be considered on a first come, first served basis. Order of applications shall be determined by the Economic Development Commission and City Clerk Treasurer based upon satisfactorily submitting all required applications, forms, requests for information, and application fees.

C. LEGAL COMPLIANCE

All procedures leading to the issuance of an EDRB, as well as the applicant's utilization of the proceeds from any EDRB issue, shall be in compliance with applicable federal, state and local laws, and the policies and requirements as are contained herein. The responsibility for compliance shall in all cases rest with the applicant. The only covenant or warranty which the City shall be required to make in connection with the proposed EDRB issuance, whether to the applicant or to any other interested party, shall be such covenants or warranties which to the satisfaction of the City Attorney be customary to EDRB financing and not create a liability or charge against the City's general credit or tax power.

D. APPLICANT'S RESPONSIBILITIES

1. Except as hereinafter provided, and except as required by law, it shall be the applicant's responsibility to provide all necessary documents, forms and related

materials, and to advise the Common Council, Economic Development Commission and other parties of all required actions.

2. Annual Reporting. During the outstanding term of the EDRB, the Applicant shall submit to the City Clerk Treasurer (who shall disburse such information to the Department of Development, Economic Development Commission and the Common Council) by January 31 of each year, a report of the balance of their loan as of December 31 of the previous year and, if the project has not yet been completed, the proceeds remaining to be spent.

3. So long as the EDRBs are outstanding, Borrower shall be responsible for all costs associated with this issuance of the EDRB. This shall include, but not limited to, any costs associated with requirements by the Internal Revenue Service (IRS) for ongoing arbitrage and rebate calculations. In the event that the City advances any costs associated with the issuance of the EDRB, Borrower shall reimburse to the City those costs within ten (10) business days.

4. All notices received by the City from any entity or taxing authority with regard to the outstanding EDRBs shall be forwarded to the Borrower and it shall be Borrower's responsibility to respond to said notices and cooperate with said entity or taxing authority and comply with any requests made. All such documentation received by the Borrower in regards to the issued EDRBs should be forwarded to the City Clerk Treasurer and to the Department of Development. Any costs associated with said notices or requests incurred by the City shall be reimbursed by the Borrower within ten (10) business days.

II. PROCEDURES

The applicant will be required to submit certain information and assume the cost of the City's review and issuance of the EDRBs. Matters of confidentiality for public disclosure, relating to the applicant or the applicant's business, shall be honored to the extent that disclosure of such information is not required as a matter of law, as determined by the City's Attorney. In all cases, information required and requested under this policy and under State and federal statutes shall be made available to the Common Council.

The Common Council reserves the right to deny any application for financing at any point in the proceedings prior to adopting the final ordinance authorizing issuance of the bonds. All applications, supporting materials and documents, and application fees shall remain the property of the City of West Lafayette.

APPLICATION AND REVIEW PROCEDURES

The applicant shall adhere to the following procedures in submitting a request and application to the City for issuance of EDRBs.

1. A written request accompanied by the application form, the required supplemental information and a non-refundable application fee, authorized by Indiana Code § 36-7-12-29, in an amount of one percent (1%) of the amount of financing requested, but not to exceed Five Thousand Dollars ($5,000). The application fee is to be made payable to the City of West Lafayette, Indiana, and is due and payable as follows: (a) Five Hundred Dollars ($500), which is non-refundable, must accompany the application for EDRB funds; and (b) if the Common Council adopts a final ordinance authorizing EDRB funds, the final balance of the fee (i.e., the amount resulting from subtraction of the $500 which accompanied the application from the lesser of (i) 1% of the amount of financing requested or (ii) $5,000) must be paid within three (3) business days after closing of the EDRBs.

2. The written request, the application forms, the supplemental information and the fee shall be submitted to the City Clerk Treasurer, who shall notify the Department of Development, Economic Development Commission and the Common Council that an application for an EDRB was submitted.

3. The applicant will retain bond counsel acceptable to the City to prepare Common Council and Economic Development Commission proceedings and all other required legal documents, including Notice of Public Hearing and all certificates to be signed by the City. All such proceedings and documents must be made available for review by the City Attorney, reviewed and approved by the bond counsel, and received by the City Clerk Treasurer at least 11 days prior to the Common Council meeting where proposed action is contemplated.

4. The Economic Development Commission shall review the application for completeness and confirm the application qualifies for EDRB funding, and if requested, the Economic Development Commission shall meet to consider adoption of an inducement resolution. If the Economic Development Commission adopts an inducement resolution on behalf of the applicant, such resolution shall be forwarded to the Common Council for consideration and adoption.

5. The Economic Development Commission shall meet to consider the project and to consider issuance of EDRBs for the project. A Public Hearing on the proposal to issue the EDRBs will be scheduled by the Economic Development Commission. This Public Hearing shall provide the opportunity for any member of the public to speak for or against the EDRB issue. The Economic Development Commission, after the public hearing, shall consider whether the proposal meets the purposes defined by this policy and the laws of the State of Indiana, whether a proposal may have an adverse competitive effect on similar facilities or businesses already constructed or operating within the City of West Lafayette, and prepare a written recommendation on the advisability of the issuance of the EDRBs which shall be presented to the Common Council at the Common Council's next regularly scheduled meeting following the Economic Development Commission meeting. The Common Council will not vote on any

action for approval on the request for EDRB funds until this Economic Development Commission review has been completed.

6. The Common Council will then approve or deny the Ordinance for the issuance of the EDRBs.

7. After approval of the Common Council of the Final Reading of the Ordinance, the Mayor and City Clerk Treasurer are authorized and directed to execute, attest, affix or imprint by any means the City seal to the Financing Agreement approved by the Common Council and any other document or certificate which may be necessary or desirable prior to, on or after the date of Common Council approval of the Final Reading of the Ordinance. The Mayor and Clerk Treasurer may by their execution approve changes to the EDRB agreement without further approval of the Common Council or the Economic Development Commission if such changes do not affect terms of the agreement pursuant to Indiana Code § 36-7-12-27(a)(1) through (a)(10) and if the EDRB ordinance authorizes these officials to approve such changes.

III. PROJECT IMPACT REPORT

The applicant will submit a Project Impact Report along with the application and application fee to the City Clerk Treasurer when applying for EDRB funding. The Clerk Treasurer shall forward all information to the Department of Development, Economic Development Commission and the Common Council. The intent of this Project Impact Report is for informational purposes for the Economic Development Commission and Common Council for evaluation of the EDRB request, and should at least include the following:

a. Does the project create new, or preserve existing, employment opportunities within the community? Will any existing jobs be eliminated as a result of the proposed project? If the proposed project does **not** occur will any jobs be eliminated?

b. Does the project increase or decrease the City's tax base? If the applicant is a non-profit entity, is such applicant willing to pay payments in lieu of taxes?

c. Does the project upgrade deteriorated or deteriorating structures, improve site accessibility and usefulness, and otherwise provide for the public health, safety and welfare of the City of West Lafayette?

d. Does the project allow for preservation and restoration of buildings of historical or architectural significance?

GENERAL INFORMATION

On the Application Form provided in this policy, please complete all sections; if certain information is not applicable, please indicate appropriately.

PROJECT INFORMATION

In addition to completing the Application Form, in report form, please provide complete information on the following issues. In other words, tell us about your company and your project.

A. Project Description

1. Exact location of proposed project. Include a map or diagram if appropriate.
2. Project area; how large is the parcel on which the proposed project will be located?
3. Facility size; describe the size of your existing facility, if any, and the size of the new facility (square feet) and height (feet).
4. Site plan, including elevation (may be conceptual).
5. Products or services to be produced, provided and/or sold.
6. Estimated dates for start and completion of construction.

B. Project Financing

1. Total cost of the project.
2. Cost estimates for all fixed assets, real estate or improvements to be made, land acquisition, etc. with EDRB funds.
3. Total EDRB amount requested.
4. Other sources of funding (if any) for the proposed project.
5. Other materials that may be requested by the Clerk Treasurer, Economic Development Commission, and/or the Common Council.

C. Environmental Impacts

1. Water line requirements for fire protection for the proposed project.
2. Will new and/or enlarged public water mains be required?
3. Do you deal with, use, or produce any toxic or hazardous wastes (as defined by the Environmental Protection Agency (EPA))?
4. Is on-site pre-treatment of the discharge necessary before it goes to the wastewater or storm sewers?
5. Are new and/or enlarged public wastewater and/or storm sewers required?
6. Does your facility produce any emissions? Are any emissions considered air pollutants as defined by the Environmental Protection Agency? If applicable, please describe all potential emissions.
7. Does your facility produce any odor(s)? Please describe the odors, whether or not they are considered offensive.
8. Is there any visual impact to the surrounding air (smoke, plumes, haze, fog, water vapor, etc.) produced by this facility?
9. Will there be any exterior noise from the project after it is completed? Please describe the exterior noises and the approximate level, in decibels, of the noise(s).
10. What impact will there be on nearby properties (can be shown diagrammatically)?
11. Can the existing traffic ways carry any additional traffic load the proposed project may incur during and after completion?

D. Other Information

1. Other documentation that may be required by the City that is deemed important or relevant to a determination regarding issuance of the requested EDRBs.

APPLICATION FORM

A. APPLICANT INFORMATION ("Applicant" refers to the proprietor, general partner or corporate officer signing this application).

Gregory S. Napier
Name

1281 Win Hentschel Blvd.
Street Address

West Lafayette, Indiana 47906
City, State and Zip Code

765.588.3461	765.463.3501	gsnapier@prf.org
Telephone Number	Fax Number	E-mail Address

B. BUSINESS INFORMATION:

Purdue Research Foundation	351052049
Name of Business	Employer Identification Number

1281 Win Hentschel Blvd.
Current Address of Business

West Lafayette, Indiana 47906
City, State and Zip Code

Proposed Address of Business (if different)

City, State and Zip Code (if different)

765.588.3470	765.463.3501	gsnapier@prf.org
Telephone Number	Fax Number	E-mail Address

Research	1930
Type of Business	Date Established

C. BOND COUNSEL INFORMATION:

Jennifer R. Shoup

Name of Contact

Wallack Somers & Haas Attorneys at Law

Name of Business

One Indiana Square, Suit 2300

Street Address

Indianapolis, Indiana 46204

City, State and Zip Code (if different)

317.231.9000	317.231.9900	jrs@wshlaw.com
Contact Telephone Number	Fax Number	E-mail Address

After passage by the Common Council and signing by the Mayor, this Resolution shall be in full force and effect on August 1, 2010.

INTRODUCED AND FILED ON THE 3 DAY OF May, 2010.

DULY RESOLVED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THE 3 DAY OF May, 2010, HAVING BEEN PASSED BY A VOTE OF 7 IN FAVOR AND 0 OPPOSED, THE ROLL CALL VOTE BEING:

AYE		NAY
✓	Bunder	
✓	Burch	
✓	Dietrich	
✓	Hoggatt	
✓	Hunt	
✓	Keen	
✓	Thomas	

Presiding Officer

Attest:

Judith C. Rhodes, Clerk-Treasurer

PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE, INDIANA ON THE 5 DAY OF May, 2010, AT THE HOUR OF 8:45 a.m.

Judith C. Rhodes, Clerk-Treasurer

THIS RESOLUTION APPROVED AND SIGNED BY ME ON THE 5 DAY OF May, 2010, AT THE HOUR OF 3:45 p.m.

John R. Dennis, Mayor

Attest:

Judith C. Rhodes, Clerk-Treasurer