

RESOLUTION NO. 2021-04

**RESOLUTION OF THE VIGO COUNTY CAPITAL IMPROVEMENT BOARD
APPROVING ASSIGNMENT AND ASSUMPTION OF LEASE AGREEMENT**

The Vigo County Capital Improvement Board of Managers (the “Board”) met at a duly called and authorized meeting of the Board held on the date set forth below, such meeting being called pursuant to a notice stating the time, place, and purpose of the meeting received by all the Board Members and posted on the Vigo County webpage for the public, and the following resolutions were made, seconded, and adopted by a majority of those present at the meeting, which constituted a legal quorum of the Board. In accordance with Executive Order 2020-09 issued by Governor Eric Holcomb on March 23, 2020, members of the Board participated in the meeting in person or by electronic means, and access was afforded in person and electronically to the media and the public.

WHEREAS, Resolution No. 2020-10 adopted by the Board on November 18, 2020 authorized the transfer of property located at 686 Wabash Avenue, Terre Haute, Indiana (the “Property”) to the Terre Haute Redevelopment Commission (the “RDC”) to facilitate the use and development of the Property; and

WHEREAS, the RDC has requested the Board retain certain liabilities under the lease agreements to be assigned to the RDC along with the Property (the “Retained Liabilities”); and

WHEREAS, the Board desires to retain the Retained Liabilities in accordance with the provisions of the attached Assignment and Assumption of Lease Agreement attached hereto as Exhibit “A” and incorporated herein (the “Agreement”).

NOW THEREFORE, BE IT RESOLVED, by the Vigo County Capital Improvement Board of Managers as follows:

SECTION 1. The foregoing Recitals are incorporated herein by this reference.

SECTION 2. The transfer of the Property to the RDC is hereby approved and confirmed in every way on the terms and conditions contained in Resolution 2020-10 and in the Agreement, and in accordance with documents approved by the President of the Board in consultation with legal counsel to the Board.

SECTION 3. The Agreement is authorized and approved in every way, and the President of the Board is hereby authorized and directed to execute the Agreement and any other documents of transfer for the Property, with such changes and revisions as he directs in consultation with legal counsel to the Board. The Board further authorizes, empowers and directs the President and Vice-President of the Board, and each of them individually, to execute all documents and take all actions necessary to close the transfer of the Property to the RDC without further consultation with the Board.

SECTION 4. This Resolution is effective immediately upon its passage.

Adopted and approved by the Vigo County Capital Improvement Board of Managers this 17th day of February, 2021 by roll call vote with the member votes indicated below.

VIGO COUNTY CAPITAL IMPROVEMENT BOARD OF MANAGERS

Jon Marvel, President	<u> </u>	<u> </u>	Steve Witt, Treasurer	<u> </u>	<u> </u>
	Aye	Nay		Aye	Nay
Mayor Duke Bennett, Vice President	<u> </u>	<u> </u>	David Patterson, Member	<u> </u>	<u> </u>
	Aye	Nay		Aye	Nay
Judith Anderson, Secretary	<u> </u>	<u> </u>	Brad Anderson, Member	<u> </u>	<u> </u>
	Aye	Nay		Aye	Nay
Barbara Lloyd, Member	<u> </u>	<u> </u>			
	Aye	Nay			

CERTIFICATION

I certify under the penalties of perjury that the foregoing members of the Vigo County Capital Improvement Board of Managers voted by roll call vote as indicated above at a public meeting conducted on February 17, 2021.

Jon Marvel, President

EXHIBIT "A"