

**MINUTES OF THE CITY-COUNTY COUNCIL  
AND SPECIAL SERVICE DISTRICT COUNCILS  
OF INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS - MONDAY, DECEMBER 10, 1984**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:15 p.m., on Monday, December 10, 1984, with Councillor SerVaas presiding.

The meeting was opened with a prayer and the Pledge of Allegiance to the Flag by Councillor Julius Shaw.

**ROLL CALL**

Councillor SerVaas instructed the Clerk to take the roll call of the Council, which was as follows:

*PRESENT: Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*

Twenty-nine members being present, he announced a quorum was present.

**INTRODUCTION OF GUESTS AND VISITORS**

Councillors Durnil and Rader introduced Mr. Dave Stewart of Howe High School, and his government class. Councillor Journey introduced all the members of the Wheelers Boys Club and the managers.

**OFFICIAL COMMUNICATIONS**

The President called for the reading of Official Communications. The Clerk read the following:

**TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE,  
FIRE AND SOLID WASTE SPECIAL SERVICE DISTRICT COUNCILS OF  
THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:**

Ladies and Gentlemen:

You are hereby notified that **REGULAR MEETINGS** of the City-County Council and Police, Fire and Solid Waste Special Service District Councils, will be held in the City-County Building, in the Council Chambers, on Monday, December 10, 1984, at 7:00 p.m., the purposes of such **MEETINGS** being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,

s/Beurt SerVaas, President  
City-County Council

November 20, 1984

**TO THE HONORABLE PRESIDENT AND MEMBERS OF THE  
CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS  
AND MARION COUNTY, INDIANA:**

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on November 29 and December 6, 1984, a copy of **NOTICE TO TAXPAYERS** of a Public Hearing on Proposal No. 618, 1984, to be held on Monday, December 10, 1984, at 7:00 p.m., in the City-County Building.

Respectfully,

s/Beverly S. Rippy  
City Clerk

**TO THE HONORABLE PRESIDENT AND MEMBERS OF THE  
CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS  
AND MARION COUNTY, INDIANA:**

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on November 26, 1984, a copy of **NOTICE TO TAXPAYERS** of a Public Hearing on Proposal No. 644, 1984, on proposed financing of economic development facilities to be initially owned and operated by Butler Associates, Ltd., to be held on Monday, December 10, 1984, at 7:00 p.m., in the City-County Building.

Respectfully,

s/Beverly S. Rippy  
City Clerk

November 20, 1984

**TO THE HONORABLE PRESIDENT AND MEMBERS OF THE  
CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS  
AND MARION COUNTY, INDIANA:**

Ladies and Gentlemen:

I have this day approved with my signature and delivered to the Clerk of the City-County Council, Mrs. Beverly S. Rippey, the following ordinances and resolutions:

**FISCAL ORDINANCE NO. 82, 1984**, appropriates \$101,650 for the Administration Division of the Department of Parks and Recreation for new programs which will be reimbursed by local and federal grants and a transfer of funds.

**FISCAL ORDINANCE NO. 83, 1984**, approves the issuance of temporary tax anticipation time warrants for the use of the Park District Fund, Consolidated County Fund, Consolidated City Police Force Account, Police Pension Fund, Consolidated City Fire Force Account, Firemen's Pension Fund and Sanitary Solid Waste General Fund during the period of January 1, 1985 to June 30, 1985.

**FISCAL ORDINANCE NO. 84, 1984**, approves the issuance of temporary tax anticipation time warrants for the County Welfare Fund during the period of January 2, 1985 to December 30, 1985.

**FISCAL ORDINANCE NO. 85, 1984**, appropriates \$1,800,000 to the County Welfare Department for Aid to Dependent Children for the remainder of 1984.

**FISCAL ORDINANCE NO. 86, 1984**, appropriates \$5,100 for Superior Court, Criminal Division, Probation Department for supplies, office renovation, mileage and office equipment.

**FISCAL ORDINANCE NO. 87, 1984**, appropriates \$30,445 for the Prosecutor and Auditor to combine the diversion and screening units of the Juvenile Division and to transfer funds in the Juvenile Habitual Grant.

**FISCAL ORDINANCE NO. 88, 1984**, transfers \$31,051 for the Prosecutor to enhance the "PRIME" computer.

**FISCAL ORDINANCE NO. 89, 1984**, transfers \$36,500 for the Prosecutor's Child Support Division for office refurbishing.

**SPECIAL ORDINANCE NO. 62, 1984**, a final bond ordinance authorizing the issuance of \$45,000,000 Airport Facility Revenue Bonds for Purolator Courier Corp.

**SPECIAL ORDINANCE NO. 63, 1984**, a final bond ordinance authorizing the issuance of \$800,000 Economic Development Revenue Bonds for Mikel Ziobrowski.

**SPECIAL ORDINANCE NO. 64, 1984**, an ordinance giving consent to the issuance by the City of Beech Grove of \$8,000,000 Economic Development Revenue Bonds for Willow Glen Apartments, Phase II.

**SPECIAL ORDINANCE NO. 65, 1984**, a special ordinance designating the parcel of land commonly known as 123 South Illinois Street, as an economic development target area.

**SPECIAL ORDINANCE NO. 66, 1984**, a special ordinance designating the parcel of land commonly known as 2035 North Meridian Street, as an economic development target area.

**SPECIAL ORDINANCE NO. 67, 1984**, a special ordinance designating the parcels of land commonly known as 101, 107, 111 and 113 South Pennsylvania Street, as an economic development target area.

**SPECIAL RESOLUTION NO. 91, 1984**, an inducement resolution authorizing certain proceedings with respect to proposed economic development bonds for Cornelius Printing Company, Inc. in an amount not to exceed \$3,000,000.

**SPECIAL RESOLUTION NO. 92, 1984, an inducement resolution authorizing certain proceedings with respect to proposed economic development bonds for Builders Transport, Inc. in an approximate amount of \$2,700,000.**

**SPECIAL RESOLUTION NO. 93, 1984, an inducement resolution authorizing certain proceedings with respect to proposed economic development bonds for Taylor-Morley-Simon, Inc. in an approximate amount of \$3,000,000.**

**SPECIAL RESOLUTION NO. 94, 1984, an inducement resolution authorizing certain proceedings with respect to proposed economic development bonds for Cloverleaf Properties in an approximate amount of \$400,000.**

**SPECIAL RESOLUTION NO. 95, 1984, an inducement resolution increasing a previously approved inducement resolution from \$1,100,000 to an approximate amount of \$1,800,000 and authorizing certain proceedings with respect to proposed economic development bonds for John Ober and Betty Ober.**

Respectfully submitted,

s/William H. Hudnut, III

November 29, 1984

**TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:**

Ladies and Gentlemen:

I have this day approved with my signature and delivered to the Clerk of the City-County Council, Mrs. Beverly S. Rippy, the following ordinances and resolutions:

**FISCAL ORDINANCE NO. 90, 1984, approves the issuance of temporary tax anticipation time warrants for the County General Fund during the period of January 2, 1985 to December 30, 1985.**

**FISCAL ORDINANCE NO. 91, 1984, appropriates \$12,000 for the Internal Audit Division for increases personnel salary expenses in 1984.**

**FISCAL ORDINANCE NO. 93, 1984, transfers \$425,000 for the Central Equipment Management Division for contractual services and overtime for the remainder of 1984.**

**FISCAL ORDINANCE NO. 94, 1984, transfers \$3,133 for the Cooperative Extension Service for supplies and office rent for the remainder of 1984.**

**FISCAL ORDINANCE NO. 95, 1984, transfers \$8,763 for the Center Township Assessor to reduce the vacancy factor.**

**FISCAL ORDINANCE NO. 96, 1984, transfers \$900 for the Wayne Township Assessor to purchase a microfilm reader.**

**FISCAL ORDINANCE NO. 97, 1984, transfers \$800 for the Marion County Surveyor for maintenance and repair of surveying equipment.**

**FISCAL ORDINANCE NO. 98, 1984, transfers \$31,000 for the Presiding Judge of the Municipal Court to reduce the vacancy factor.**

**FISCAL ORDINANCE NO. 99, 1984**, transfers \$59,000 for the Marion County Sheriff to purchase telephones, radios, boat motors and some office furniture and adjusting the personnel schedule.

**GENERAL ORDINANCE NO. 77, 1984**, amends the Code, Chapter 27 dealing with sewage.

**SPECIAL ORDINANCE NO. 68, 1984**, approving technical revision of franchise amendment for transfer of Indianapolis Cablevision franchise.

**SPECIAL RESOLUTION NO. 96, 1984**, honoring the Executive Committee of Women in Municipal Government.

**SPECIAL RESOLUTION NO. 97, 1984**, an inducement resolution for waste disposal development bonds for financing of solid waste disposal facility in the approximate amount of \$225,000,000.

Respectfully submitted,

s/William H. Hudnut, III

November 29, 1984

**TO THE HONORABLE PRESIDENT AND MEMBERS OF THE  
CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS  
AND MARION COUNTY, INDIANA:**

Ladies and Gentlemen:

I have this day approved with my signature and delivered to the Clerk of the City-County Council, Mrs. Beverly S. Rippy, the following ordinance:

**FISCAL ORDINANCE NO. 2, 1984**, a fire special service district fiscal ordinance transferring \$30,000 for the Fire Division for supplies for the remainder of 1984.

Respectfully submitted,

s/William H. Hudnut, III

**PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND  
COUNCIL RESOLUTIONS --**

**PROPOSAL NO. 670, 1984.** This proposal honors the 1984 Warren Central High School AAAA State Football Champions. Councillor Clark read and presented the resolution to Coach Stauffer. Councillor Clark moved, seconded by Councillor Stewart for adoption. Proposal No. 670, 1984, was adopted by unanimous voice vote and retitled **SPECIAL RESOLUTION NO. 98, 1984**, and reads as follows:

**CITY-COUNTY SPECIAL RESOLUTION NO. 98, 1984**

**A SPECIAL RESOLUTION** honoring the 1984 Warren Central High School AAAA State Football Champions.

**WHEREAS**, the 1984 Warren Central Warriors High School Football Team ended a perfect 14 and 0 season by winning the State of Indiana AAAA Football Championship; and

WHEREAS, team members Jeff George, Lance Scheib, Jason Whitlock, Eric Stauffer, Shannon Ferbrache, Chris Hurt, Ron Clark, Bob Espich and Jeff Massey were named First Team and Honorable Mention All-State players; and

WHEREAS, team members Jeff George, Eric Stauffer, Lance Scheib, Shannon Ferbrache, Kevin Lewis, Kermit Britt, Bob Espich, Lloyd Carey, Chris Hurt, Jason Whitlock, Ron Clark and Jeff Massey were named All-Marion County and All-Metro players; and

WHEREAS, team members Lloyd Carey, Kermit Britt, Andy O'Brien, Jim Dixon, Art Stockburger, Mike Lenahan, Kevin Lewis and Chris Johnson were named All-Metro or All-County Honorable Mention players; now, therefore:

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

**SECTION 1.** The City-County Council honors and recognizes team members Michael Atkins, Gary Bounin, Kermit Britt, Ben Brown, Joe Brown, Lloyd Carey, Tim Choate, Ron Clark, Ron Cleary, Dwight Cummings, Jerry Davis, Jim Dixon, Richard De-Journett, Steve Deloach, Bob Espich, Shannon Ferbrache, Jeff George, Joe Guyer, David Gwaltney, Chris Hagy, Nick Hagy, Wally Hall, Yogi Henderson, Butch Hoyt, Chris Hurt, Chris Johnson, Tony Jones, Kipp Koonce, Ron Langdon, Mike Lenahan, Kevin Lewis, Chris Limbach, Bob Limbaugh, Craig Looper, Jeff Massey, Ravhy Murray, Mark Nash, Andy O'Brien, Todd Oelschlager, Mark Rines, Dan Ryan, Lance Scheib, Rod Shrum, Jason Simrell, Jerome Sparkman, Keith Snyder, Eric Stauffer, Russ Steele, Artie Stockburger, Tim Turner, Jason Whitlock and Jeff Wilson.

**SECTION 2.** The City-County Council further recognizes: Student Staff members Scott Brothers, Klaus Evers, Jeff Richards and Troy Vaughn; and Head Coach, Jerry Stauffer; Assistant Coaches Larry Willen, Dean Carbone, Ric Gray, Bruce Ruster, Lee Dilk, Harry Preston and Tony Burchett; Trainer, Dave Green; Statistician, Tim Armstrong; Cameraman, Jim Lurtey; Team Physician, Dr. Don Shelbourne; Athletic Director, Jack Gary and Principal, Ernest Medcalfe.

**SECTION 3.** The Mayor is invited to join in this resolution by affixing his signature hereto.

**SECTION 4.** This resolution shall be in full force and effect upon adoption, and compliance with IC 36-3-4-14.

PROPOSAL NO. 671, 1984. This proposal honors the Wheeler Boys Club Football Team. Councillors Journey, Crowe and Strader presented the resolution to the entire team and managers and recognized them for an outstanding season. Councillor Journey moved, seconded by Councillor Crowe for adoption. Proposal No. 671, 1984, was adopted by unanimous voice vote and retitled SPECIAL RESOLUTION NO. 99, 1984, and reads as follows:

**CITY-COUNTY SPECIAL RESOLUTION NO. 99, 1984**

**A SPECIAL RESOLUTION honoring the Wheeler Boys Club Football Team.**

WHEREAS, the Wheeler Boys Club Cowboys Football Team captured their Division Championship Title at the 1984 national invitational Junior Super Bowl at Daytona Beach, Florida; and

WHEREAS, the Wheeler Cowboys have completed seven years of unprecedented winning seasons with a total of 98 wins and only two losses; and

WHEREAS, each member of the Wheeler Cowboys has done an outstanding job of representing themselves, their club, and the City of Indianapolis with their ability, sportsmanship and personal dedication; now, therefore:

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

**SECTION 1.** The City-County Council of the City of Indianapolis and Marion County honors and congratulates the Wheelers Boys Club Cowboys football team for winning their division championship at the Junior Super Bowl.

**SECTION 2.** The City-County Council recognizes Wheeler Boys Club Executive Director Ralph Dowe, Cowboys Coach Eldrie Turner, Assistant Coaches J.D. Sinch, Arthur Rhea, Dannie Holland, Sam Moore, and James Lyles, Team Manager Leatha Rhea, Statistician John Caldwell, Sr., Trainer D'Arcy Stanfield, and team members Clarence Ball, John Caldwell, Jr., Brian Sinch, Montrail Harrell, Daryl Holland, Tony Johnson, Anthony D. Jones, Melvin Langford, Kevin D. Lyles, Brian K. McCary, Mark McEroy, Travis L. McKinney, Arthur E. Rhea, Ryan O'Rhodes, William Satterfield, Jr., Mario Scott, Carmen Shirley, Jr., Andre D. Smith, Darrell Telfair, Roy Williams, Carlos McGee, Michael Rogers, Carlos Holloway, Charles Miles, Demetrius McGee, Clark Short, Clifford Johnson, Arnold Gonzales, and Antonio Slocum.

**SECTION 3.** The Mayor is invited to join in this resolution by affixing his signatures hereto.

**SECTION 4.** This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 672, 1984. This proposal honors the local organizing committee of the National League of Cities Convention. Councillors Miller and Borst sponsored Proposal No. 672 and recognized Maribeth Smith who was present to receive the resolution. Councillor Miller moved, seconded by Councillor Borst for adoption. Proposal No. 672, 1984, was adopted by unanimous voice vote and retitled SPECIAL RESOLUTION NO. 100, 1984, and reads as follows:

**CITY-COUNTY SPECIAL RESOLUTION NO. 100, 1984**

**A SPECIAL RESOLUTION** honoring the local organizing committee of the National League of Cities Convention.

WHEREAS, the 1984 Convention of the National League of Cities was held in Indianapolis, Indiana; and

WHEREAS, the Convention was an outstanding success in every aspect; and

WHEREAS, the success of the Convention was in large part dependent upon the unparalleled volunteer efforts of hundreds of local organizations, individuals and associations; now, therefore:

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

**SECTION 1.** The City-County Council recognizes and extends its appreciation to all those individuals, organizations and associations who volunteered their time and effort to make the 1984 National League of Cities Convention a success.

**SECTION 2.** The City-County Council further recognizes in particular Maribeth Smith, William K. McGowan, Jr., Andrew J. Paine, Jr., Michael A. Carroll, Richard K. Strouse, Kae Browning, David R. Frick, Jean Smith, David Carley, Mary Y. Marsh, Gene Gardner, Kasey Butler, Kate Kennedy, Michael J. Quinn, James Crahan, Linda Hegeman, Richard I. Blankenbaker, Mary Clare Broadbent, Larry Conrad, Fred L. Armstrong, David N. Shane, Joyce Gellenbeck, Margo Lyon, Dale Bowell and Joseph A. Slash.

**SECTION 3.** The Mayor is invited to join in this resolution by affixing his signature hereto.

**SECTION 4.** This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 673, 1984. This proposal sets the schedule of regular council meetings dates for the year 1985. President SerVaas stated that there was one date which was in question and that the staff was working on an amendment and he asked for consent to postpone Proposal No. 673, 1984, until later on the agenda. Consent was given.

#### ADOPTION OF AGENDA

Consent was given for the adoption of the Agenda fo the City-County Council and the Indianapolis Police, Fire and Solid Waste Special Service District Council for December 10, 1984.

#### INTRODUCTION OF PROPOSALS

PROPOSAL NO. 660, 1984. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE authorizing changes in the personnel schedule of the Lawrence Township Assessor"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 661, 1984. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$404,284 for Superior Court, Criminal and Juvenile Divisions for the payment of public defenders"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 662, 1984. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring

\$136,420 for the Marion County Sheriff to amend the salary schedule and health service program in accordance with the F.O.P. contract"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 663, 1984. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE increases pension benefits for certain employees of the Sheriff's Department"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 664, 1984. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending benefits for members of the Police Force and classifies major as a non-merit rank"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 665, 1984. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing intersection controls at Tacoma Avenue and McLeay Drive"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 666, 1984. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing intersection controls at various intersections"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 667, 1984. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing parking controls on a portion of 13th Avenue"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 668, 1984. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing parking controls on a portion of 46th Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 669, 1984. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing speed limit controls on portions of 42nd Street"; and the President referred it to the Transportation Committee.

## SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 639, 1984. This proposal is a final bond ordinance authorizing the issuance of \$1,500,000 Industrial Revenue Bonds for Builders Transport, Inc. Councillor Schneider moved, seconded by Councillor Page the following motion:

### CITY-COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 639, 1984, the fourth "WHEREAS" clause by adding the words underlined as follows:

WHEREAS, the Indianapolis Economic Development Commission has heretofore approved and recommended to the City-County Council that it adopt this form of Ordinance and has approved the forms of and has transmitted for approval by this City-County Council the Loan Agreement (the "Agreement") between the Issuer and the Company, the Trust Indenture (the "Trust Indenture") between the Issuer and The Citizens and Southern National Bank, as trustee, and Irwin Union Bank and Trust Company, Columbus, Indiana, as co-trustee, (together the "Trustee") and the Project Bonds (as hereinafter defined), two (2) copies of each of which are on file in the Office of the Clerk of the City-County Council for public inspection; and

I move to further amend Proposal No. 639, 1984, Section 3, by adding the words underlined as follows:

SECTION 3. Authorization and Terms of Bonds. It is hereby determined to be necessary to, and the Issuer shall issue, sell and deliver, as provided and authorized herein and pursuant to the authority of the Act, the Project Bonds in an aggregate amount of \$1,500,000 (the "Bonds") for the purpose of making a loan to assist the Company in the financing of costs of renovating and improving an existing truck terminal and acquiring the tractor-trailers constituting the Project, including costs incidental thereto and to the financing thereof. The Bonds shall be issued in the form and denomination and shall be executed, dated, be subject to mandatory or optional redemption on the dates and at the prices, mature, bear interest at the rate or rates and be payable on the dates as provided in the Trust Indenture and Loan Agreement hereinafter authorized and attached hereto as Exhibits A and B, respectively; provided that in any event the interest rate on the Bonds will not exceed twenty-five percent.

s/Councillor Schneider

The above mentioned motion passed by unanimous voice vote. Councillor Schneider stated that Builders Transport, Inc. is headquartered in Camden, South Carolina, and is an irregular route common carrier transporting general commodities throughout the forty-eight contiguous states. The project is to acquire and install not less than twenty-four nor more than twenty-seven tractor-trailers to be based at a terminal and distribution facility at 4949 South Harding which is being acquired with non-bond proceeds and to perform some renovation and

improvement to the terminal with a portion of the bond proceeds. Bond financing contains the following documents: Loan Agreement, Trust Indenture. The interest is payable March 1, June 1, September 1 and December 1 commencing March 1, 1985, at 8.50% for bond R-1 and 67% of Prime for Bond R-2. Bond R-1 in the principal amount of \$1,250,000 matures December 1, 1994, and Bond R-2 in the principal amount of \$250,000 matures December 1, 1989. The Economic Development Committee on December 5, 1984, recommended Proposal No. 369, 1984, Do Pass by a vote of 4-0. Councillor Schneider moved, seconded by Councillor Howard for adoption. Proposal No. 639, 1984, as amended, was adopted on the following roll call vote; viz:

27 AYES: *Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

2 NOT VOTING: *Borst, Gilmer*

Proposal No. 639, 1984, as amended, was retitled SPECIAL ORDINANCE NO. 69, 1984, and reads as follows:

**CITY-COUNTY SPECIAL ORDINANCE NO. 69, 1984**

A SPECIAL ORDINANCE authorizing the issuance and sale to the Citizens and Southern National Bank of \$1,500,000 Industrial Revenue Bonds of the City of Indianapolis, Indiana, pursuant to a Trust Indenture; authorizing the City to loan the proceeds from the sale of said Project Bonds to Builders Transport, Inc. to assist said Company in financing a commercial project; and authorizing a Loan Agreement defining the terms and conditions of said loan and providing for revenues to said City sufficient to pay principal of, premium, if any, and interest on said Project Bonds.

WHEREAS, the Indianapolis Economic Development Commission has been duly created by the City of Indianapolis, Indiana (the "Issuer"), and the members of the Commission have been duly appointed and qualified pursuant to law; and

WHEREAS, the Indianapolis Economic Development Commission has prepared and filed with the Metropolitan Development Commission of Marion County, Indiana its report entitled "Amended Report of the Indianapolis Economic Development Commission Concerning the Proposed Financing of Economic Development Facilities for Builders Transport, Inc" and the Metropolitan Development Commission of Marion County, Indiana has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on December 5, 1984, adopted a Resolution on the same date, two copies of which Resolution have been transmitted to this City-County Council, finding that the financing of certain economic development facilities of Builders Transport, Inc. complies with the purpose and provisions of Title 36, Article 7, Chapter 12 of the Indiana Code of 1971, as supplemented and amended (the "Act"), and that such financing will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has heretofore approved and recommended to the City-County Council that it adopt this form of Ordinance and has approved the forms of and has transmitted for approval by this City-County Council the Loan Agreement (the "Agreement") between the Issuer and the Company, the Trust Indenture (the "Trust Indenture") between the Issuer and The Citizens and Southern National Bank, as trustee, and Irwin Union Bank and Trust Company, Columbus, Indiana, as co-trustee, (together the "Trustee") and the Project Bonds (as hereinafter defined), two (2) copies of each of which are on file in the Office of the Clerk of the City-County Council for public inspection; and

WHEREAS, the Issuer wishes to issue its \$1,500,000 Industrial Revenue Bonds (Builders Transport, Inc. Project) (herein called the "Project Bonds") and to loan the proceeds from the sale of the Project Bonds to the Company pursuant to the terms of the Agreement to be used by the Company to make certain improvements to and renovations of an existing truck terminal facility located in the City of Indianapolis, Indiana, and to acquire at least twenty-four but no more than twenty-seven tractor-trailers to base at a truck terminal facility located in the City of Indianapolis, Indiana (the "Project") for use by the Company; and

WHEREAS, the issuance and sale of the Project Bonds and the loan of the proceeds from the sale of the Project Bonds to the Company will induce the Company to locate the Project within the boundaries of the Issuer and thereby will increase and maintain employment opportunities within the boundaries of the Issuer, the County of Marion and the State of Indiana (the "State") and will improve the economic welfare of the people residing within the boundaries of the Issuer, the County of Marion and the State; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Definitions. In addition to the words and terms elsewhere defined in this Special Ordinance, all initially capitalized terms and words used herein shall have the same meaning as in the Loan Agreement and the Trust Indenture relating to the Bonds authorized by this Special Ordinance, unless the context or use clearly indicates another or different meaning or intent.

SECTION 2. Determinations of Issuer. The Issuer hereby determines that the Project is a "project" as that term is defined in the Act, is consistent with the purposes of the Act and will benefit the people of the Issuer by creating or preserving jobs and employment opportunities and promoting the economic development of the Issuer.

SECTION 3. Authorization and Terms of Bonds. It is hereby determined to be necessary to, and the Issuer shall issue, sell and deliver, as provided and authorized herein and pursuant to the authority of the Act, the Project Bonds in an aggregate amount of \$1,500,000 (the "Bonds") for the purpose of making a loan to assist the Company in the financing of costs of renovating and improving an existing truck terminal and acquiring the tractor-trailers constituting the Project, including costs incidental thereto and to the financing thereof. The Bonds shall be issued in the form and denomination and shall be executed, dated, be subject to mandatory or optional redemption on the dates and at the prices, mature, bear interest at the rate or rates and be payable on the dates as provided in the Trust Indenture and Loan Agreement hereinafter authorized and attached hereto as Exhibits A and B, respectively; provided that in any event the interest rate on the Bonds will not exceed twenty-five percent.

SECTION 4. Payment of Bonds. The Bonds shall be payable at the corporate trust office of the Trustee named as Trustee under the Trust Indenture herein authorized, or any successor Trustee, or at the office of any Paying Agent authorized by the Trust Indenture. The Trustee under the Trust Indenture shall be designated by the Company unless and until a successor trustee is appointed in the manner provided in such Trust Indenture.

**SECTION 5. Bonds Not Debt of Issuer.** Each of the Bonds authorized hereby shall bear on its face a statement to the effect that the Bonds are not general obligations, debt or bonded indebtedness of the Issuer or of the State of Indiana or of any political subdivision thereof, and the holders or owners of the Bonds are not given the right, and have no right, to have excises or taxes levied by the Issuer or by the State of Indiana or by any political subdivision thereof, for the payment of the principal of, premium, if any, and interest on such Bonds and that the right to such payment is limited to the revenues and special funds pledged for such purpose under the Trust Indenture herein authorized.

**SECTION 6. Execution and Delivery of Trust Indenture.** The Mayor and Clerk of the Issuer are each hereby authorized and directed to execute on behalf of the Issuer a Trust Indenture with the Trustee substantially in the form presented to the Issuer and on file with the Clerk. The Pledged Receipts shall be pledged for the payment of the Bonds, and all other agreements, covenants and promises therein made on behalf of the Issuer shall be conclusively binding upon the Issuer and in full force and effect from and after delivery of the Bonds to their purchaser or purchasers pursuant to the terms of said Indenture.

**SECTION 7. Execution and Delivery of Loan Agreement.** The Mayor and Clerk of the Issuer are each hereby further authorized and directed to execute and deliver on behalf of the Issuer a Loan Agreement with the Company substantially in the form presented to the Issuer and on file with the Clerk, and the agreements, covenants and promises therein made on behalf of the Issuer shall be conclusively binding on the Issuer and in full force and effect from and after delivery of the Bonds to their purchaser or purchasers.

**SECTION 8. Execution and Delivery of Other Instruments.** The Mayor, or the Clerk, or such other appropriate officer as may heretofore or hereafter be designated by the Issuer are each hereby authorized and directed to execute (either singly or in any combination) and deliver on behalf of the Issuer such other documents and certificates and to do all such acts and things required of them by the provisions of the Bonds, the Loan Agreement and the Indenture, to the end that full and complete performance of all of the terms, covenants and agreements of the Bonds and of the Loan Agreement and the Indenture, shall be effected. In the event of the absence or disability of any officer or employee of the Issuer authorized to execute any instrument, such instrument may be executed, with the same effect, by any other officer of the Issuer.

**SECTION 9. Modifications.** The Loan Agreement and the Indenture authorized by this Special Ordinance shall be subject to such changes, insertions and omissions as are not adverse to the Issuer and have been approved by counsel to the Issuer, and approval of any changes, insertions and omissions shall be conclusively evidenced by the execution of said documents by an authorized officer of the Issuer.

**SECTION 10. Arbitrage Covenant.** The Issuer, hereby covenants that it will restrict the use of the proceeds of the Bonds hereby authorized in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute "arbitrage bonds" under Section 103(c) of the Internal Revenue Code and the regulations prescribed thereunder. The Mayor or any other officer having responsibility with respect to the issuance of the Bonds is authorized and directed to give an appropriate certificate on behalf of the Issuer, on the date of delivery of the Bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Section 103(c) and regulations thereunder.

**SECTION 11. Election by Issuer.** The Issuer hereby elects with respect to the Project Bonds to be within the limitation imposed by the provision of Section 103(b)(6)(D) of the Internal Revenue Code of 1954, as amended, and the Mayor or the Clerk of the

Issuer is hereby authorized and directed to perform any and all acts and provide such information as may be required by the Secretary of the Treasury, his delegate, or the Internal Revenue Service in order to implement such election.

**SECTION 12. Compliance with Indiana Open Meetings Law.** It is hereby found and determined that all formal actions by the City-County Council of the Issuer concerning and relating to the passage of this Special Ordinance were taken in an open meeting, and that all deliberations of the City-County Council of the Issuer that resulted in such formal action, were taken in meetings or hearings open to the public, in full compliance with applicable legal requirements.

**SECTION 13. Effective Date; Repeal of Conflicting Ordinances.** Additional readings having been waived as provided by law, this Special Ordinance shall take effect and by in full force from and after compliance with procedure requirement by Indiana Code 36-3-4-14 and all ordinances inconsistent herewith are hereby repealed to the extent of any such inconsistency.

PROPOSAL NO. 640, 1984. This proposal is a final bond ordinance authorizing the issuance of \$8,500,000 Economic Development Revenue Bonds for 123 South Illinois Associates, an Indiana limited partnership. The project is to renovate the existing thirteen-story "Warren Hotel" at 123 South Illinois. Bond financing contains the following documents: Bond Purchase Agreement with Prudential-Bache Securities, Inc., Loan Agreement, Indenture of Trust with Indiana National Bank, Collateral Agreement, Reimbursement Agreement, Promissory Note, and Mortgages. The interest is payable June 1 and December 1 commencing June 1, 1985. The interest rate during the Initial Interest Rate Period will be between 9% and 10%. Final maturity is December 1, 2014. The Economic Development Committee on December 5, 1984, recommended Proposal No. 640, 1984, Do Pass by a vote of 5-0. Councillor Schneider moved, seconded by Councillor Rhodes for adoption. Proposal No. 640, 1984, was adopted on the following roll call vote; viz:

26 AYES: *Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Giffin, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*  
NO NAYS

3 NOT VOTING: *Borst, Durnil, Gilmer*

Proposal No. 640, 1984, was retitled SPECIAL ORDINANCE NO. 70, 1984, and reads as follows:

**CITY-COUNTY SPECIAL ORDINANCE NO. 70, 1984**

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development Revenue Bonds (123 S. Illinois Associates Project)" in the aggregate principal amount of Eight Million Five Hundred Thousand Dollars (\$8,500,000) and approving and authorizing other actions in respect thereto.

WHEREAS, the Indianapolis Economic Development Commission has rendered a report of the Indianapolis Economic Development Commission concerning the proposed financing of economic development facilities for 123 S. Illinois Associates and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on December 5, 1984, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of certain economic development facilities to be developed by 123 S. Illinois Associates, an Indiana limited partnership with C & I Associates as general partner (the "Company") consisting of the acquisition, renovation, installation and equipping of the existing vacant 13 story Warren Hotel containing approximately 68,322 square feet for use as a hotel containing 114 guest rooms, a restaurant, lounge, health club and meeting rooms and the machinery and equipment to be installed therein plus certain site improvements located at 123 South Illinois Street, Indianapolis, Indiana on approximately 6,478 feet of land (the "Project") which will be initially owned and operated by 123 S. Illinois Associates, an Indiana limited partnership with C & I Associates as general partner complies with the purposes and provisions of Indiana Code 36-7-12 and that such financing will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Bond Purchase Agreement, Loan Agreement, Indenture of Trust, Loan Purchase Agreement, Collateral Agreement, Reimbursement Agreement, Promissory Note, Mortgage and Assignment from 123 S. Illinois Associates to the City of Indianapolis, Indiana, Mortgage from 123 S. Illinois Associates to Community Savings & Loan, Inc., Indexing Agent's Agreement, Remarketing Agreement, Official Statement and the form of the City of Indianapolis, Indiana Economic Development Revenue Bonds (123 S. Illinois Associates Project) by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

**BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement consisting of the acquisition, renovation, installation and equipping of the existing vacant 13 story Warren Hotel containing approximately 68,322 square feet for use as a hotel containing 114 guest rooms, a restaurant, lounge, health club and meeting rooms and the machinery and equipment to be installed therein plus certain site improvements located at 123 S. Illinois Street, Indianapolis, Indiana on approximately 6,478 square feet of land previously approved by the Indianapolis Economic Development Commission now presented to this City-County Council, the issuance and sale of revenue bonds, the loan of the net proceeds thereof to 123 S. Illinois Associates for the purposes of financing the economic development facilities being acquired, renovated, installed and equipped or to be acquired, renovated, installed and equipped in Indianapolis, Indiana, and the repayment of said loan by 123 S. Illinois Associates will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of Indiana Code 36-7-12.

SECTION 2. The forms of the Bond Purchase Agreement, Loan Agreement, Indenture of Trust, Loan Purchase Agreement, Collateral Agreement, Reimbursement Agreement, Promissory Note, Mortgage and Assignment from 123 S. Illinois Associates to the City of Indianapolis, Indiana, Mortgage from 123 S. Illinois Associates to Community Savings & Loan, Inc., Indexing Agent's Agreement, Remarketing Agreement, Official Statement and the form of the City of Indianapolis Economic Development Revenue Bonds (123 S. Illinois Associates Project) approved by the Indianapolis

Economic Development Commission are hereby approved and all such documents shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two (2) copies of the Bond Purchase Agreement, Loan Agreement, Mortgage, Indenture of Trust, Loan Purchase Agreement, Collateral Agreement, Reimbursement Agreement, Promissory Note, Mortgage and Assignment from 123 S. Illinois Associates to the City of Indianapolis, Indiana, Mortgage from 123 S. Illinois Associates to Community Savings & Loan, Inc., Indexing Agent's Agreement, Remarketing Agreement, Official Statement and the form of the City of Indianapolis Economic Development Revenue Bonds (123 S. Illinois Associates Project) are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The City of Indianapolis shall issue its Economic Development Revenue Bonds (123 S. Illinois Associates Project) in the aggregate principal amount of Eight Million Five Hundred Thousand Dollars (\$8,500,000) for the purpose of procuring funds to loan to 123 S. Illinois Associates in order to finance the economic development facilities, heretofore referred to as the Project, which is more particularly set out in the Loan Agreement as incorporated herein by reference, which Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by 123 S. Illinois Associates on its Promissory Note in the aggregate principal amount of Eight Million Five Hundred Thousand Dollars (\$8,500,000), which will be executed and delivered by 123 S. Illinois Associates to evidence and secure said loan, and as otherwise provided in the above described Loan Agreement, Mortgage and Assignment from 123 S. Illinois Associates to the City of Indianapolis, Indiana, Mortgage from 123 S. Illinois Associates to Community Savings & Loan, Inc., Indenture of Trust, Loan Purchase Agreement, Collateral Agreement and Reimbursement Agreement. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The City Clerk or City Controller are authorized and directed to sell such Bonds to the purchaser or purchasers thereof at a price of not less than 95% of the aggregate principal amount thereof, plus accrued interest, if any and at a stated per annum rate of interest at the rates determined in the manner set forth in the Indenture of Trust provided however that the interest rate on the Bonds shall in no event exceed 30% per annum.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute the Bond Purchase Agreement, Loan Agreement, Indenture of Trust, Mortgage and Assignment from 123 S. Illinois Associates to the City of Indianapolis, Indiana, Indexing Agent's Agreement, Official Statement, the City of Indianapolis, Indiana Economic Development Revenue Bonds (123 S. Illinois Associates Group Project), and the Endorsement to the Promissory Note approved herein, and their execution is hereby confirmed, on behalf of the City of Indianapolis and any other document which may be necessary or desirable to consummate the transaction. The signatures of the Mayor and City Clerk on the Bonds may be facsimile signatures. The City Clerk or City Controller are authorized to arrange for the delivery of such Bonds to the purchaser or purchasers thereof payment for which will be made in the manner set forth in the Bond Purchase Agreement. The Mayor and City Clerk may by their execution of the Loan Agreement, Mortgage and Assignment from 123 S. Illinois Associates to the City of Indianapolis, Indiana, Indexing Agent's Agreement, Official Statement, Indenture of Trust, the Endorsement to the Promissory Note and imprinting of their facsimile signatures on the Bonds or their manual signatures thereof approve changes therein and also in the Promissory Note, Loan Purchase Agreement, Collateral Agreement, Reimbursement Agreement, Mortgage from 123 S. Illinois Associates to Community Savings & Loan, Inc. and Remarketing Agreement without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in I.C. 36-7-12-27 (a)(1) through (a)(11).

SECTION 6. The provisions of this ordinance and the Bond Purchase Agreement shall constitute a contract binding between the City of Indianapolis and the holder of the Economic Development Revenue Bonds (123 S. Illinois Associates Project) and

after the issuance of said Bonds this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as said Bonds or the interest thereon remains unpaid.

**SECTION 7.** This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 641, 1984. This proposal is a final bond ordinance authorizing the issuance of \$1,000,000 Economic Development Revenue Bonds for Joint and Clutch Service, Inc. Councillor Schneider explained that the Joint and Clutch Service, Inc. is a distributor of truck and automobile parts and remanufactures drive shafts, clutches and power take-offs. The Company is being displaced due to the new White River Park, and the project is to construct a new 28,900 square foot building at 2075 Kentucky Avenue on 3.071 acres. Bond financing contains the following documents: Loan Agreement, Mortgage and Security Agreement; Indenture of Trust with Indiana National Bank. The interest is payable at floating rate equal to 55% of the prime rate of the Commercial Bank in Detroit, Michigan. The outside maturity of the principal is January 1, 2005. The Company has the option to convert to a fixed interest rate. The Economic Development Committee on December 5, 1984, recommended Proposal No. 641, 1984, Do Pass by a vote of 4-0-1. Councillor Schneider moved, seconded by Councillor Rader for adoption. Proposal No. 641, 1984, was adopted on the following roll call vote; viz:

24 AYES: *Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Giffin, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

5 NOT VOTING: *Borst, Durnil, Gilmer, Hawkins, Schneider*

Proposal No. 641, 1984, was retitled SPECIAL ORDINANCE NO. 71, 1984, and reads as follows:

**CITY-COUNTY SPECIAL ORDINANCE NO. 71, 1984**

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Variable Rate Demand Economic Development Revenue Bonds (Joint and Clutch Service, Inc. Project) Series 1984" in the aggregate principal amount of One Million Dollars (\$1,000,000) and approving and authorizing other actions in respect thereto.

WHEREAS, the Indianapolis Economic Development Commission has rendered a report of the Indianapolis Economic Development Commission concerning the proposed financing of economic development facilities for Joint and Clutch Service, Inc. and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on December 5, 1984, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of certain economic development facilities to be developed by Joint and Clutch Service, Inc. (the "Company") consisting of the acquisition, construction, installation and equipping of an approximately 28,900 square foot building and the machinery and equipment to be installed therein plus certain site improvements located at 2075 Kentucky Avenue, Indianapolis, Indiana on approximately 3.071 acres of land which will be used by the Company for the wholesale distribution of truck and automobile parts, light remanufacturing of drive shafts, clutches and power takeoffs, plus office and warehouse space (the "Project") which will be initially owned and operated by Joint and Clutch Service, Inc. complies with the purposes and provisions of Indiana Code 36-7-12 and that such financing will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Loan Agreement, Mortgage and Security Agreement, Promissory Note, Indenture of Trust and the form of the City of Indianapolis, Indiana Variable Rate Demand Economic Development Revenue Bonds (Joint and Clutch Service, Inc. Project) Series 1984 by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

**BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement consisting of the acquisition, construction, installation and equipping of an approximately 28,900 square foot building and the machinery and equipment to be installed therein plus certain site improvements located at 2075 Kentucky Avenue, Indianapolis, Indiana on approximately 3.071 acres of land which will be used by the Company for the wholesale distribution of truck and automobile parts, light remanufacturing of drive shafts, clutches and power takeoffs, plus office and warehouse space previously approved by the Indianapolis Economic Development Commission now presented to this City-County Council, the issuance and sale of revenue bonds, the loan of the net proceeds thereof to Joint and Clutch Service, Inc. for the purposes of financing the economic development facilities being acquired, constructed, installed and equipped or to be acquired, constructed, installed and equipped in Indianapolis, Indiana, and the repayment of said loan by Joint and Clutch Service, Inc. will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of Indiana Code 36-7-12.

SECTION 2. The forms of the Loan Agreement, Mortgage and Security Agreement, Indenture of Trust Promissory Note and the form of the City of Indianapolis Variable Rate Demand Economic Development Revenue Bonds (Joint and Clutch Service, Inc. Project) Series 1984 approved by the Indianapolis Economic Development Commission are hereby approved and all such documents shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two (2) copies of the Loan Agreement, Mortgage and Security Agreement, Indenture of Trust, Promissory Note and the form of the City of Indianapolis Variable Rate Demand Economic Development Revenue Bonds (Joint and Clutch Service, Inc. Project) Series 1984 are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The City of Indianapolis shall issue its Variable Rate Demand Economic Development Revenue Bonds (Joint and Clutch Service, Inc. Project) Series 1984 in the aggregate principal amount of One Million Dollars (\$1,000,000) for the purpose of procuring funds to loan to Joint and Clutch Service, Inc. in order to finance the economic development facilities, heretofore referred to as the Project, which is more particularly set out in the Loan Agreement incorporated herein by reference, which

Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by Joint and Clutch Service, Inc. on its Promissory Note in the principal amount of One Million Dollars (\$1,000,000), which will be executed and delivered by Joint and Clutch Service, Inc. to evidence and secure said loan, and as otherwise provided in the above described Loan Agreement and Indenture of Trust. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The City Clerk or City Controller are authorized and directed to sell such Bonds to the purchaser or purchasers thereof at a price equal to 100% of the principal amount thereof, plus accrued interest, if any and at a stated per annum rate of interest as set forth in the form of the Bonds approved herein, provided however, the interest rate on the Bonds shall in no event exceed 30% per annum.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute the Loan Agreement, the City of Indianapolis, Indiana Variable Rate Demand Economic Development Revenue Bonds (Joint and Clutch Service, Inc. Project) Series 1984, and the Endorsement to the Promissory Note approved herein, and their execution is hereby confirmed, on behalf of the City of Indianapolis and any other document which may be necessary or desirable to consummate the transaction. The signatures of the Mayor and City Clerk on the Bonds may be facsimile signatures. The City Clerk or City Controller are authorized to arrange for the delivery of such Bonds to the purchaser or purchasers thereof payment for which will be made in the manner set forth in the Indenture of Trust. The Mayor and City Clerk may by their execution of the Loan Agreement, Indenture of Trust, the Endorsement to the Promissory Note and imprinting of their facsimile signatures on the Bonds or their manual signatures thereof approve changes therein and also in the Promissory Note and Mortgage and Security Agreement without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in I.C. 36-7-12-27 (a)(1) through (a)(11).

SECTION 6. The provisions of this ordinance and the Indenture of Trust shall constitute a contract binding between the City of Indianapolis and the holder of the Variable Rate Demand Economic Development Revenue Bonds (Joint and Clutch Service, Inc. Project) Series 1984 and after the issuance of said Bonds this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as said Bonds or the interest thereon remains unpaid.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 642, 1984. This proposal is a final bond ordinance authorizing the issuance of \$1,800,000 Economic Development Revenue Bonds for John Ober and Betty Ober. The Ober's are owners of Business Furniture Corporation located at 101 South Pennsylvania Street. Councillor Schneider reviewed the project is to renovate the top two floors of this location and to acquire and renovate the four-story building (Cooney Building) at 107 South Pennsylvania for partial use by B.F.C. and partial lease to third parties for office space (the first floor of the second facility will be used for retail and restaurant space). The project also includes the acquisition and upgrading of the parking lot at 113 South Pennsylvania. Bond financing contains the following documents: Bond Purchase and Loan Agreement with American Fletcher National Bank; Real Estate Mortgage and Security Agreement; Collateral Assignment of Rents and Leases;

Bond Guaranty Agreement; Assignment of Loan Documents. The principal and interest are paid monthly commencing February 1, 1985. The last maturity is January 1, 2000. The interest rate is 75% of the prime rate of American Fletcher National Bank. The Economic Development Committee on December 5, 1984, recommended Proposal No. 642, 1984, Do Pass by a vote of 6-0. Councillor Schneider moved, seconded by Councillor Howard for adoption. Proposal No. 642, 1984, was adopted on the following roll call vote; viz:

27 AYES: *Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

2 NOT VOTING: *Borst, Durnil*

Proposal No. 642, 1984, was retitled SPECIAL ORDINANCE NO. 72, 1984, and reads as follows:

#### CITY-COUNTY SPECIAL ORDINANCE NO. 72, 1984

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development Revenue Bond, Series 1984 (Ober Project)" in the principal amount of One Million Eight Hundred Thousand Dollars (\$1,800,000) and approving and authorizing other actions in respect thereto.

WHEREAS, the Indianapolis Economic Development Commission has rendered a report of the Indianapolis Economic Development Commission concerning the proposed financing of economic development facilities for John Ober and Betty Ober and the Metropolitan Development Commission of Marion County, has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on December 5, 1984, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of certain economic development facilities to be developed by John Ober and Betty Ober (the "Company") consisting of the 1. renovation and equipping of the office building located at 101 South Pennsylvania Street for general office use; 2. acquisition, renovation, installation and equipping of the building located at 107 South Pennsylvania Street for general office use with the first floor of the 107 South Pennsylvania Street building leased as either a food service facility or a retail facility; 3. upgrading of the parking lot located at 111 South Pennsylvania Street; and acquisition and upgrading of the parking lot located at 113 South Pennsylvania Street for use by tenants of the 107 South Pennsylvania Street building all of which locations are in Indianapolis, Indiana and of which a portion will be occupied by Business Furniture Corporation for use in its business of wholesale distribution of furniture (the "Project") which will be initially owned by John Ober and Betty Ober and operated by John Ober and Betty Ober and in part by Business Furniture Corporation which will lease a portion of the facilities from John Ober and Betty Ober complies with the purposes and provisions of Indiana Code 36-7-12 and that such financing will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Bond Purchase and Loan Agreement, Real Estate Mortgage and Security Agreement, Collateral Assignment of Rents and Leases, Bond Guaranty Agreement, Assignment of Loan Documents, Promissory Note and the form of the City of Indianapolis, Indiana Economic Development Revenue Bond, Series 1984 (Ober Project) by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Bond Purchase and Loan Agreement consisting of the 1. renovation and equipping of the office building located at 101 South Pennsylvania Street for general office use; 2. acquisition, renovation, installation and equipping of the building located at 107 South Pennsylvania Street for general office use with the first floor of the 107 South Pennsylvania Street building leased as either a food service facility or a retail facility; 3. upgrading of the parking lot located at 111 South Pennsylvania Street; and acquisition and upgrading of the parking lot located at 113 South Pennsylvania Street for use by tenants of the 107 South Pennsylvania Street building all of which locations are in Indianapolis, Indiana and of which a portion will be occupied by Business Furniture Corporation for use in its business of wholesale distribution of furniture previously approved by the Indianapolis Economic Development Commission now presented to this City-County Council, the issuance and sale of revenue bonds, the loan of the net proceeds thereof to John Ober and Betty Ober for the purposes of financing the economic development facilities being acquired, renovated, installed and equipped or to be acquired, renovated, installed and equipped in Indianapolis, Indiana, and the repayment of said loan by John Ober and Betty Ober will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of Indiana Code 36-7-12.

SECTION 2. The forms of the Bond Purchase and Loan Agreement, Real Estate Mortgage and Security Agreement, Collateral Assignment of Rents and Leases, Bond Guaranty Agreement, Assignment of Loan Documents, Promissory Note and the form of the City of Indianapolis Economic Development Revenue Bond, Series 1984 (Ober Project) approved by the Indianapolis Economic Development Commission are hereby approved and all such documents shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two (2) copies of the Bond Purchase and Loan Agreement, Real Estate Mortgage and Security Agreement, Collateral Assignment of Rents and Leases, Bond Guaranty Agreement, Assignment of Loan Documents, Promissory Note and the form of the City of Indianapolis Economic Development Revenue Bonds, Series 1984 (Ober Project) are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The City of Indianapolis shall issue its Economic Development Revenue Bonds, Series 1984 (Ober Project) in the principal amount of One Million Eight Hundred Thousand Dollars (\$1,800,000) for the purpose of procuring funds to loan to John Ober and Betty Ober in order to finance the economic development facilities, heretofore referred to as the Project, which is more particularly set out in the Bond Purchase and Loan Agreement incorporated herein by reference, which Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by John Ober and Betty Ober on their Promissory Note in the principal amount of One Million Eight Hundred Thousand Dollars (\$1,800,000), which will be executed and delivered by John Ober and Betty Ober to evidence and secure said loan, and as otherwise provided in the above described Bond Purchase and Loan Agreement, Real Estate Mortgage and Security Agreement, Collateral Assignment of Rents and Leases and Bonds Guaranty Agreement. The Bond shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The City Clerk or City Controller are authorized and directed to sell such Bond to the purchaser or purchasers thereof at a price equal to 100% of the principal amount thereof, plus accrued interest, if any and at a stated per annum rate of interest as set forth in the Bond Purchase and Loan Agreement and the Bond.

provided however, the interest rate on the Bond shall in no event exceed 30% per annum.

**SECTION 5.** The Mayor and City Clerk are authorized and directed to execute the Bond Purchase and Loan Agreement, Assignment of Loan Documents, the City of Indianapolis, Indiana Economic Development Revenue Bond, Series 1984 (Ober Project), and the Endorsement to the Promissory Note approved herein, and their execution is hereby confirmed, on behalf of the City of Indianapolis and any other document which may be necessary or desirable to consummate the transaction. The signatures of the Mayor and City Clerk on the Bond may be facsimile signatures. The City Clerk or City Controller are authorized to arrange for the delivery of such Bond to the purchaser or purchasers thereof payment for which will be made in the manner set forth in the Bond Purchase and Loan Agreement. The Mayor and City Clerk may by their execution of the Bond Purchase and Loan Agreement, the Endorsement to the Promissory Note, Assignment of Loan Documents and imprinting of their facsimile signatures on the Bond or their manual signatures thereof approve changes therein and also in the Promissory Note, Real Estate Mortgage and Security Agreement, Collateral Assignment of Rents and Leases and Bond Guaranty Agreement without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in I.C. 36-7-12-27 (a)(1) through (a)(11).

**SECTION 6.** The provisions of this ordinance and the Bond Purchase and Loan shall constitute a contract binding between the City of Indianapolis and the holder of the Economic Development Revenue Bond, Series 1984 (Ober Project) and after the issuance of said Bond this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as said Bond or the interest thereon remains unpaid.

**SECTION 7.** This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 643, 1984. This is a special ordinance consenting to the issuance of \$1,000,000 Economic Development Mortgage Revenue Bonds by the City of Beech Grove, Indiana, for South Inn Developers. Councillor Schneider explained that the Holiday Inn to be renovated under this bond ordinance is located about six miles away from Beech Grove, at the intersection of I-465 and Route 31 South. The Indianapolis Economic Development Commission has not in the past recommended revenue bonds issued by the City of Indianapolis for the renovation of hotels/motels and retailing establishments away from the downtown area. However, it is permissible under State statute for the Company to seek bond financing from another municipality within the County (who has bonding power), but the final bond ordinance must have the consent of the municipality where the proposed project is located. The Economic Development Committee on December 5, 1984, recommended Proposal No. 643, 1984, Do Pass by a vote of 4-3. Councillor Schneider moved, seconded by Councillor Rader for adoption. Proposal No. 643, 1984, was adopted on the following roll call vote; viz:

27 AYES: *Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey,*

McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader

1 NAY: West

1 NOT VOTING: Clark

Proposal No. 643, 1984, was retitled SPECIAL ORDINANCE NO. 73, 1984, and reads as follows:

**CITY-COUNTY SPECIAL ORDINANCE NO. 73, 1984**

A SPECIAL ORDINANCE authorizing the City of Beech Grove to consent pursuant to I.C. 36-7-12 and I.R.C. Section 103 to the issuance by the City of Beech Grove, Indiana "Economic Development Mortgage Revenue Bonds (South Inn Developers Project)" in the aggregate principal amount of One Million Dollars (\$1,000,000) and approving and authorizing other actions in respect thereto.

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted as required by I.R.C. Section 103 and I.C. 36-7-12 on December 5, 1984, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of certain economic development facilities to be developed by South Inn Developers (the "Company") consisting of the renovation and addition to the existing 184 room Holiday Inn motel located at 520 East Thompson Road, Indianapolis, Indiana (the "Project") which will be initially owned and operated by South Inn Developers complies with the purposes and provisions of Indiana Code 36-7-12 and that such financing will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has consented pursuant to I.C. 36-7-12 and I.R.C. Section 103 to the issuance by Beech Grove, Indiana of its Economic Development Mortgage Revenue Bonds (South Inn Developers Project) in the aggregate principal amount of One Million Dollars (\$1,000,000) by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

**BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. It is hereby found that the financing of the economic development facilities consisting of the renovation and addition to the existing 184 room Holiday Inn motel located at 520 East Thompson Road, Indianapolis, Indiana by the City of Beech Grove, Indiana previously consented to pursuant to I.C. 36-7-12 by the Indianapolis Economic Development Commission now presented to this City-County Council, the issuance and sale of revenue bonds, the loan of the net proceeds thereof to South Inn Developers for the purposes of financing the economic development facilities being acquired, constructed, installed and equipped or to be renovated and added to in Indianapolis, Indiana, and the repayment of said loan by South Inn Developers will be of benefit to the health and welfare of the City of Indianapolis and Marion County, Indiana and its citizens and does comply with the purposes and provisions of Indiana Code 36-7-12.

SECTION 2. The City of Indianapolis hereby consents to I.C. 36-7-12 and I.R.C. Section 103 to the issuance by the City of Beech Grove, Indiana of their Economic Development Revenue Bonds (South Inn Developers Project) in the aggregate principal amount of One Million Dollars (\$1,000,000) for the purpose of procuring funds to loan to South Inn Developers in order to finance the economic development facilities, heretofore referred to as the Project.

**SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.**

PROPOSAL NO. 645, 1984. This proposal is an inducement resolution authorizing certain proceedings with respect to proposed economic development bonds for Web Realty of Indianapolis, LTD. in an approximate amount of \$1,335,000. Councillor Schneider reviewed the project as the construction of a 32,400 square foot building at 6700 North Coffman Road on 7.88 acres. The facility will be used by Web Converting, Inc. for contract manufacturing including slitting and rewinding of paper, film, foil, non-wovens and laminated and printed products. The Company currently leases 19,200 square feet in Park 100, and this lease expires June 30, 1985. Estimated costs for the \$1,335,000 project are as follows: \$170,000 land, \$730,000 building, \$300,000 equipment, and \$135,000 other contingencies. Construction should begin December 17th with operations by May 1, 1985. The estimated number of additional employment positions at the end of one year total 12 jobs with \$500,000 in additional payroll to the community. The three-year job estimate is 32 positions with \$850,000 in additional payroll. The company reports a current annual payroll of \$350,000 with twenty-five positions. The Economic Development Committee on December 5, 1984, recommended Proposal No. 645, 1984, Do Pass by a vote of 6-0. Councillor Schneider moved, seconded by Councillor Gilmer for adoption. Proposal No. 645, 1984, was adopted on the following roll call vote; viz:

28 AYES: *Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

1 NOT VOTING: *Giffin*

Proposal No. 645, 1984, was retitled SPECIAL RESOLUTION NO. 101, 1984, and reads as follows:

**CITY-COUNTY SPECIAL RESOLUTION NO. 101, 1984**

**A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.**

**WHEREAS, the City of Indianapolis, Indiana, (the "City") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction, renovation, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or sub-leased to users of the facilities; and**

WHEREAS, Web Realty of Indianapolis, Ltd. (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, construct, install and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to the Company for the same, said economic development facilities to be the acquisition, construction, installation and equipping of a building containing approximately 32,400 square feet and the machinery and equipment to be installed therein plus certain site improvements to be located at 6700 North Coffman Road, Indianapolis, Indiana on approximately 7.88 acres of land which will be used by Web Converting, Inc. to provide a manufacturing service consisting of slitting and rewinding, sheeting, cutting, printing and coating to a broad range of industry (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 12 at the end of one year and 32 at the end of three years) to be achieved by the acquisition, construction, installation and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens and will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the City and its citizens and will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, the acquisition, construction, installation and equipping of the facilities will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating or in the same market area or in or about Indianapolis, Indiana; now, therefore:

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in or near Indianapolis, Indiana and in Marion County, is desirable to preserve the health, safety and general welfare of the citizens of the City of Indianapolis, and that it is in the public interest that the Indianapolis Economic Development Commission and said City take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said City.

SECTION 2. The City-County Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an approximate amount of One Million Three Hundred Thirty-five Thousand Dollars (\$1,335,000) under the Act to be privately placed for the acquisition, construction, installation and equipping of the Project and the sale or leasing of the Project to Web Realty of Indianapolis, Ltd. (the "Company") or the loaning of the proceeds of such financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Company to proceed with the acquisition, construction, installation and equipping of the Project, this City-County Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds provided that at

the time of the proposed issuance of such bonds the aggregate amount of private activity bonds issued pursuant to such issue when added to the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year it being understood that the City of Indianapolis by taking this action is not making any representation nor any assurances that any such allocable limit will be available, that inducement resolutions in an aggregate amount in excess of the private activity bond limit may and in all probability will be adopted, and that the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions and that no portion of such private activity bond limit has been guaranteed for the proposed project and subject to the further caveat that this inducement resolution expires June 30, 1985 unless such bonds have been issued prior to the aforesaid date or unless, upon showing of good cause by the Company, the City by official action extends the terms of this inducement resolution.

**SECTION 4.** All costs of the Project incurred after the passage of this resolution, including reimbursement or repayment to the Company of moneys expended by the Company for application fees, planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction, installation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the City will thereafter see the same to the Company or loan the proceeds of the revenue bonds to the Company for the Project, and the City will thereafter lease the same to the Company or loan the proceeds of such financing to the Company for the same purpose or sell the same to the Company.

**SECTION 5.** This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 646 and 647, 1984. Proposal No. 646, 1984, is a special ordinance designating the parcels of land commonly known as 2626 and 2750 East 46th Street; 2421 and 2506 Willowbrook Parkway; 4740 and 4760 Kingsway Drive as economic development target areas. Proposal No. 647, 1984, is an inducement resolution authorizing certain proceedings with respect to proposed economic development bonds for Robert F. Titus and Edgar S. Wilbourn III in an amount not to exceed \$9,750,000. Councillor Schneider stated that the project is the acquisition and renovation of the Willowbrook Park Office Complex consisting of eight parcels of land (total of 16.985 acres) and six office buildings containing approximately 450,000 square foot of "Class C" (renting for about \$9 per square foot) office space. The Willowbrook Complex is about twenty years old, and as of January 1, 1985, this complex will be about 54% vacant. Part of the property for this project is annexed into the old city limits of the Police and Fire Special Service Districts. Although the Indianapolis Police Department and Indianapolis Fire Department have been providing protection for the entire Willowbrook complex, the project participants have made a commitment to the Metropolitan Development Commission to seek annexation for the entire project. Estimated costs for the \$9,750,000 project are as follows: \$6,000,000 land, building, and equipment; \$1,400,000 building and site improvements; and \$2,235,000 costs plus reserves. Construction should commence January, 1985,

and be completed in 1986. The estimated number of additional employment positions at the end of one year total 150 jobs with \$2,500,000 in additional payroll to the community. The three-year job estimate is 600 positions with \$12,500,000 in additional payroll. The Economic Development Committee on December 5, 1984, recommended Proposal No. 646 and 647, 1984, Do Pass by a vote of 5-0-2. Councillor Schneider moved, seconded by Councillor Howard for adoption. Proposal No. 646, 1984, was adopted on the following roll call vote; viz:

28 AYES: *Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

1 NOT VOTING: *Clark*

Proposal No. 646, 1984, was retitled SPECIAL ORDINANCE NO. 74, 1984, and reads as follows:

**CITY-COUNTY SPECIAL ORDINANCE NO. 74, 1984**

A SPECIAL ORDINANCE designating part of the Consolidated City as an Economic Development Target Area, which designation meets the requirements imposed by I.C. 36-7-12 for allowing industrial development bond financing for economic development facilities used for retail trade, banking, credit agencies or services.

WHEREAS, I.C. 36-7-12 (as amended by P.L. 40-1983) limits the use of industrial development bonds for financing economic development facilities for retail trade, banking, credit agencies or certain services; and

WHEREAS, the statute provides that such economic development facilities may be financed by industrial development bonds if the facility is located in an Economic Development Target Area and the City-County Council finds the facility will not have an adverse competitive impact on facilities of the same kind operating in the same market area and will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, I.C. 36-7-12-38 (as added by P.L. 40-1983) authorizes the City-County Council, after favorable recommendation by the Economic Development Commission, to designate by ordinance a specific geographic area in the Consolidated City, no larger than 25% of the area of the Consolidated City, as an Economic Development Target Area; and

WHEREAS, I.C. 36-7-12-2, as amended, (as added by P.L. 40-1983) indicates that an Economic Development Target Area means a geographic area that:

“(1) has become undesirable or impossible for normal development and occupancy because of a lack of development, cessation of growth, deterioration or improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors that have impaired values or prevent a normal development of property or use of property;

(2) has been declared and confirmed as a redevelopment area before March 31, 1983; under:

- (A) I.C. 36-7-14-15, I.C. 36-7-14-16, and I.C. 36-7-14-17; or
- (B) I.C. 36-7-15.1-8, I.C. 36-7-15.1-9, and I.C. 36-7-15.1-10;

(3) has been designated as a registered historic district under the National Historic Preservation Act of 1966 or under the jurisdiction of a reservation commission organized under I.C. 36-7-11.1, or I.C. 14-3-3.2; or

(4) encompasses buildings, structures, sites, or other facilities that are:

- (A) listed on the national register of historic places established pursuant to the National Historic Preservation Act of 1966;
- (B) listed on the register of Indiana historic sites and historic structures established under I.C. 14-3-3.3; or
- (C) determined to be eligible for listing on the Indiana register by the Indiana state historic preservation officer.”; and

WHEREAS, at its meeting on December 5, 1984 the Indianapolis Economic Development Commission reviewed, considered and favorably recommended to the City-County Council designating the parcels commonly known as 2626 and 2750 East 46th Street, 2421 and 2506 Willowbrook Parkway, 4740 and 4755 and 4760 Kingsway Drive, Indianapolis, Indiana, as an Economic Development Target Area which parcels are more specifically described as:

**PARCEL 1:**

Part of the Southwest Quarter of Section 8, Township 16 North, Range 4 East in Marion County, Indiana, more particularly described as follows: Commencing at the Southwest corner of the aforementioned Quarter Section; running thence North 00 degrees 26 minutes 25 seconds West, on and along the West line thereof, a distance of 770.000 feet; running thence South 89 degrees 39 minutes 55 seconds East a distance of 365.00 feet; thence North 00 degrees 20 minutes 05 seconds East a distance of 40.00 feet to the point of beginning of the Real Estate described herein; continuing thence along the same line a distance of 400.00 feet; running thence South 89 degrees 39 minutes 55 seconds East a distance of 245.00 feet; running thence South 00 degrees 20 minutes 05 seconds West a distance of 400.00 feet; running thence North 89 degrees 39 minutes 55 seconds West a distance of 245.00 feet to the point of beginning.

**PARCEL 2:**

Part of the Southwest Quarter of Section 8, Township 16 North, Range 4 East in Marion County, Indiana, more particularly described as follows: Commencing at the Southwest corner of the aforementioned Quarter Section; running thence South 89 degrees 39 minutes 55 seconds East, on and along the South line thereof, a distance of 661.000 feet to the point of beginning of the real estate described herein; continuing thence along the same line a distance of 229.058 feet; running thence North 00 degrees 26 minutes 25 seconds West a distance of 440.000 feet; running thence South 89 degrees 33 minutes 35 seconds West a distance of 193.000 feet; running thence South 00 degrees 26 minutes 25 seconds East a distance of 237.387 feet; running thence South 89 degrees 39 minutes 55 seconds East a distance of 16.459 feet; running thence South 14 degrees 19 minutes 00 seconds West a distance of 206.090 feet to the point of beginning.

**PARCEL 3:**

Part of the Southwest Quarter of Section 8, Township 16 North, Range 4 East in Marion County, State of Indiana, more particularly described as follows: Commencing at the Southwest corner of the aforementioned Quarter Section running thence North 00 degrees 26 minutes 25 seconds West along the West

line thereof a distance of 770.00 feet to the centerline of Willowbrook Parkway extended; running thence South 89 degrees 39 minutes 55 seconds East on and along said centerline a distance of 365.00 feet to a point on the East line of Kingsway Drive extended; running thence North 00 degrees 20 minutes 05 seconds East along said East line a distance of 440.00 feet to the point of beginning of the real estate described herein; continuing thence along the same line a distance of 106.312 feet to the point of curvature of a curve concave East, said curve having a radius of 175.000 feet and a central angle of 18 degrees 21 minutes 50 seconds; running thence Northeasterly around said curve a distance of 56.089 feet to the point of tangency; running thence North 18 degrees 41 minutes 55 seconds East tangent to the last described curve, a distance of 361.597 feet; running thence South 71 degrees 18 minutes 05 seconds East a distance of 276.000 feet; running thence South 18 degrees 41 minutes 55 seconds West a distance of 440.085 feet; running thence North 89 degrees 39 minutes 55 seconds West a distance of 246.128 feet to the point of beginning.

**PARCEL 4:**

Part of the Southwest Quarter of Section 8, Township 16 North, Range 4 East, in Marion County, Indiana, being more particularly described as follows: Commencing at the Southwest corner of the aforementioned Quarter Section; running thence North 00 degrees 26 minutes 25 seconds West along the West line thereof, a distance of 448.76 feet; running thence South 89 degrees 39 minutes 55 seconds East a distance of 58.20 feet to a point on the East right-of-way of Keystone Avenue, said point also being the point of beginning of the Real Estate described herein; running thence North 00 degrees 26 minutes 25 seconds West along said right-of-way and parallel to the West line of said Quarter Section a distance of 281.239 feet to a point on the South right-of-way of Willowbrook Parkway; running thence South 89 degrees 39 minutes 55 seconds East along said right-of-way a distance of 523.005 feet; running thence South 00 degrees 20 minutes 05 seconds West a distance of 281.210 feet; running thence North 89 degrees 39 minutes 55 seconds West a distance of 519.000 feet to the point of beginning.

**PARCEL 5:**

Part of Section 8, Township 16 North, Range 4 East, in Marion County, Indiana, more particularly described as follows: Commencing at the Southwest corner of the aforementioned section; running thence North 00 degrees 26 minutes 25 seconds West, on and along the West line thereof, a distance of 1196.323 feet to a point on the centerline of the New York, Chicago and St. Louis Railroad right-of-way; running thence North 17 degrees 26 minutes 35 seconds East, on and along said centerline, a distance of 975.838 feet to the point of beginning of the real estate described herein; continuing thence along the same line a distance of 30.872 feet; running thence North 20 degrees 55 minutes 51 seconds East, on and along said centerline a distance of 156.921 feet; running thence South 71 degrees 18 minutes 05 seconds East a distance of 271.157 feet to a point on the Westerly right-of-way line of Kingsway Drive; running thence South 18 degrees 41 minutes 55 seconds West, on and along said Westerly right-of-way line a distance of 187.667 feet; running thence North 71 degrees 18 minutes 05 seconds West a distance of 276.593 feet to the point of beginning. Subject, however, to a 16.50 foot right-of-way of the New York, Chicago, and St. Louis Railroad.

**PARCEL 6:**

Part of the Southwest Quarter of Section 8, Township 16 North, Range 4 East, in Marion County, State of Indiana, being more particularly described as follows: Commencing at the Southwest corner of the aforementioned Quarter Section; running thence North 00 degrees 26 minutes 25 seconds West on and along the West line thereof a distance of 770.00 feet to a point on the centerline

of Willowbrook Parkway extended; running thence South 89 degrees 39 minutes 55 seconds East along said centerline a distance of 340.00 feet to the point of intersection of the centerline of Kingsway Drive and Willowbrook Parkway; running thence North 00 degrees 20 minutes 05 seconds East a distance of 578.64 feet to a point of intersection of Kingsway Drive; running thence North 18 degrees 41 minutes 55 seconds East a distance of 555.784 feet to a point on the centerline of Kingsway Drive; running thence North 71 degrees 18 minutes 05 seconds West a distance of 25.00 feet to a point on the West right of way line of Kingsway Drive, said point being the point of beginning of the real estate description herein; running thence North 71 degrees 18 minutes 05 seconds West a distance of 256.396 feet to a point on the East right-of-way line of the New York, Chicago, and St. Louis Railroad; running thence South 17 degrees 26 minutes 35 seconds West along said right-of-way a distance of 611.850 feet; running thence South 89 degrees 39 minutes 55 seconds East a distance of 256.159 feet to a point on the curve of the West right-of-way line of Kingsway Drive; running thence along the curved right-of-way an arc distance of 7.544 feet, said curve having a radius of 225.00 feet, a central angle of 01 degrees 55 minutes 16 seconds and a long chord of 7.544 feet with a bearing of North 17 degrees 45 minutes 14 seconds East, running thence North 18 degrees 41 minutes 55 seconds East along said right-of-way line a distance of 523.456 feet to the point of beginning.

**PARCEL 7:**

Part of the Southwest Quarter of Section 8, Township 16 North, Range 4 East of the Second Principal Meridian described as follows: Beginning at a point that is 940.00 feet South 89 degrees 39 minutes 55 seconds East of and 60.00 feet North 00 degrees 26 minutes 25 seconds West of the Southwest corner of the said Quarter Section, said point being at the intersection of the East right-of-way line of Pennwood Drive and the North right-of-way of East 46th Street; thence South 89 degrees 39 minutes 55 seconds East on and along the said North right-of-way line 100.00 feet; thence South 87 degrees 03 minutes 46 seconds East on and along the said North right-of-way line 221.55 feet to the West right-of-way line of Allisonville Road; thence North 34 degrees 43 minutes 20 seconds East on and along the said West right-of-way line 125.06 feet; thence North 55 degrees 16 minutes 40 seconds West 250.00 feet; thence South 89 degrees 33 minutes 35 seconds West 188.79 feet to the East right-of-way line of Pennwood Drive; thence South 00 degrees 26 minutes 25 seconds East on and along the said East right-of-way line 231.78 feet to the place of beginning.

**PARCEL 8:**

Part of the Southwest quarter of Section 8, Township 16 North, Range 4 East, of the Second Principal Meridian in Marion County, Indiana, more particularly described as follows: Commencing at the Southwest corner of said Quarter Section; thence North 00 degrees 26 minutes 25 seconds West (assumed bearing) along the West line of said Quarter Section 770.00 feet to the centerline of Willowbrook Parkway extended; thence South 89 degrees 39 minutes 55 seconds East along said centerline and parallel with the South line of said Quarter Section 365.00 feet to a point on the East right-of-way line of Kingsway Drive extended; thence North 00 degrees 20 minutes 05 seconds East along said right-of-way line and its extension thereof 440.00 feet; thence South 89 degrees 39 minutes 55 seconds East parallel with the centerline of Willowbrook Parkway and the South line of said Quarter Section 246.13 feet; thence North 18 degrees 41 minutes 55 seconds East 68.86 feet to the point of beginning of this description; thence North 18 degrees 41 minutes 55 seconds East along the last described course 205.00 feet; thence South 71 degrees 18 minutes 05 seconds East 31.00 feet; thence South 18 degrees 41 minutes 55 seconds West 205.00 feet; thence North 71 degrees 18 minutes 05 seconds West 31.00 feet to the point of beginning.

now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. It is hereby found that the parcels commonly known as 2626 and 2750 East 46th Street, 2421 and 2506 Willowbrook Parkway, 4740 and 4755 and 4760 Kingsway Drive, Indianapolis, Indiana, which is more specifically described as:

PARCEL 1:

Part of the Southwest Quarter of Section 8, Township 16 North, Range 4 East in Marion County, Indiana, more particularly described as follows: Commencing at the Southwest corner of the aforementioned Quarter Section; running thence North 00 degrees 26 minutes 25 seconds West, on and along the West line thereof, a distance of 770.000 feet; running thence South 89 degrees 39 minutes 55 seconds East a distance of 365.00 feet; thence North 00 degrees 20 minutes 05 seconds East a distance of 40.00 feet to the point of beginning of the Real Estate described herein; continuing thence along the same line a distance of 400.00 feet; running thence South 89 degrees 39 minutes 55 seconds East a distance of 245.00 feet; running thence South 00 degrees 20 minutes 05 seconds West a distance of 400.00 feet; running thence North 89 degrees 39 minutes 55 seconds West a distance of 245.00 feet to the point of beginning.

PARCEL 2:

Part of the Southwest Quarter of Section 8, Township 16 North, Range 4 East in Marion County, Indiana, more particularly described as follows: Commencing at the Southwest corner of the aforementioned Quarter Section; running thence South 89 degrees 39 minutes 55 seconds East, on and along the South line thereof, a distance of 661.000 feet to the point of beginning of the real estate described herein; continuing thence along the same line a distance of 229.058 feet; running thence North 00 degrees 26 minutes 25 seconds West a distance of 440.000 feet; running thence South 89 degrees 33 minutes 35 seconds West a distance of 193.000 feet; running thence South 00 degrees 26 minutes 25 seconds East a distance of 237.387 feet; running thence South 89 degrees 39 minutes 55 seconds East a distance of 16.459 feet; running thence South 14 degrees 19 minutes 00 seconds West a distance of 206.090 feet to the point of beginning.

PARCEL 3:

Part of the Southwest Quarter of Section 8, Township 16 North, Range 4 East in Marion County, State of Indiana, more particularly described as follows: Commencing at the Southwest corner of the aforementioned Quarter Section running thence North 00 degrees 26 minutes 25 seconds West along the West line thereof a distance of 770.00 feet to the centerline of Willowbrook Parkway extended; running thence South 89 degrees 39 minutes 55 seconds East on and along said centerline a distance of 365.00 feet to a point on the East line of Kingsway Drive extended; running thence North 00 degrees 20 minutes 05 seconds East along said East line a distance of 440.00 feet to the point of beginning of the real estate described herein; continuing thence along the same line a distance of 106.312 feet to the point of curvature of a curve concave East, said curve having a radius of 175.000 feet and a central angle of 18 degrees 21 minutes 50 seconds; running thence Northeasterly around said curve a distance of 56.089 feet to the point of tangency; running thence North 18 degrees 41 minutes 55 seconds East tangent to the last described curve, a distance of 361.597 feet; running thence South 71 degrees 18 minutes 05 seconds East a distance of 276.000 feet; running thence South 18 degrees 41 minutes 55 seconds West a distance of 440.085 feet; running thence North 89 degrees 39 minutes 55 seconds West a distance of 246.128 feet to the point of beginning.

**PARCEL 4:**

Part of the Southwest Quarter of Section 8, Township 16 North, Range 4 East, in Marion County, Indiana, being more particularly described as follows: Commencing at the Southwest corner of the aforementioned Quarter Section; running thence North 00 degrees 26 minutes 25 seconds West along the West line thereof, a distance of 448.76 feet; running thence South 89 degrees 39 minutes 55 seconds East a distance of 58.20 feet to a point on the East right-of-way of Keystone Avenue, said point also being the point of beginning of the Real Estate described herein; running thence North 00 degrees 26 minutes 25 seconds West along said right-of-way and parallel to the West line of said Quarter Section a distance of 281.239 feet to a point on the South right-of-way of Willowbrook Parkway; running thence South 89 degrees 39 minutes 55 seconds East along said right-of-way a distance of 523.005 feet; running thence South 00 degrees 20 minutes 05 seconds West a distance of 281.210 feet; running thence North 89 degrees 39 minutes 55 seconds West a distance of 519.000 feet to the point of beginning.

**PARCEL 5:**

Part of Section 8, Township 16 North, Range 4 East, in Marion County, Indiana, more particularly described as follows: Commencing at the Southwest corner of the aforementioned section; running thence North 00 degrees 26 minutes 25 seconds West, on and along the West line thereof, a distance of 1196.323 feet to a point on the centerline of the New York, Chicago and St. Louis Railroad right-of-way; running thence North 17 degrees 26 minutes 35 seconds East, on and along said centerline, a distance of 975.838 feet to the point of beginning of the real estate described herein; continuing thence along the same line a distance of 30.872 feet; running thence North 20 degrees 55 minutes 51 seconds East, on and along said centerline a distance of 156.921 feet; running thence South 71 degrees 18 minutes 05 seconds East a distance of 271.157 feet to a point on the Westerly right-of-way line of Kingsway Drive; running thence South 18 degrees 41 minutes 55 seconds West, on and along said Westerly right-of-way line a distance of 187.667 feet; running thence North 71 degrees 18 minutes 05 seconds West a distance of 276.593 feet to the point of beginning. Subject, however, to a 16.50 foot right-of-way of the New York, Chicago, and St. Louis Railroad.

**PARCEL 6:**

Part of the Southwest Quarter of Section 8, Township 16 North, Range 4 East, in Marion County, State of Indiana, being more particularly described as follows: Commencing at the Southwest corner of the aforementioned Quarter Section; running thence North 00 degrees 26 minutes 25 seconds West on and along the West line thereof a distance of 770.00 feet to a point on the centerline of Willowbrook Parkway extended; running thence South 89 degrees 39 minutes 55 seconds East along said centerline a distance of 340.00 feet to the point of intersection of the centerline of Kingsway Drive and Willowbrook Parkway; running thence North 00 degrees 20 minutes 05 seconds East a distance of 578.64 feet to a point of intersection of Kingsway Drive; running thence North 18 degrees 41 minutes 55 seconds East a distance of 555.784 feet to a point on the centerline of Kingsway Drive; running thence North 71 degrees 18 minutes 05 seconds West a distance of 25.00 feet to a point on the West right of way line of Kingsway Drive, said point being the point of beginning of the real estate description herein; running thence North 71 degrees 18 minutes 05 seconds West a distance of 256.396 feet to a point on the East right-of-way line of the New York, Chicago, and St. Louis Railroad; running thence South 17 degrees 26 minutes 35 seconds West along said right-of-way a distance of 611.850 feet; running thence South 89 degrees 39 minutes 55 seconds East a distance of 256.159 feet to a point on the curve of the West right-of-way line of Kingsway Drive; running thence along the curved right-of-way an arc distance of 7.544

feet, said curve having a radius of 225.00 feet, a central angle of 01 degrees 55 minutes 16 seconds and a long chord of 7.544 feet with a bearing of North 17 degrees 45 minutes 14 seconds East, running thence North 18 degrees 41 minutes 55 seconds East along said right-of-way line a distance of 523.456 feet to the point of beginning.

**PARCEL 7:**

Part of the Southwest Quarter of Section 8, Township 16 North, Range 4 East of the Second Principal Meridian described as follows: Beginning at a point that is 940.00 feet South 89 degrees 39 minutes 55 seconds East of and 60.00 feet North 00 degrees 26 minutes 25 seconds West of the Southwest corner of the said Quarter Section, said point being at the intersection of the East right-of-way line of Pennwood Drive and the North right-of-way of East 46th Street; thence South 89 degrees 39 minutes 55 seconds East on and along the said North right-of-way line 100.00 feet; thence South 87 degrees 03 minutes 46 seconds East on and along the said North right-of-way line 221.55 feet to the West right-of-way line of Allisonville Road; thence North 34 degrees 43 minutes 20 seconds East on and along the said West right-of-way line 125.06 feet; thence North 55 degrees 16 minutes 40 seconds West 250.00 feet; thence South 89 degrees 33 minutes 35 seconds West 188.79 feet to the East right-of-way line of Pennwood Drive; thence South 00 degrees 26 minutes 25 seconds East on and along the said East right-of-way line 231.78 feet to the place of beginning.

**PARCEL 8:**

Part of the Southwest quarter of Section 8, Township 16 North, Range 4 East, of the Second Principal Meridian in Marion County, Indiana, more particularly described as follows: Commencing at the Southwest corner of said Quarter Section; thence North 00 degrees 26 minutes 25 seconds West (assumed bearing) along the West line of said Quarter Section 770.00 feet to the centerline of Willowbrook Parkway extended; thence South 89 degrees 39 minutes 55 seconds East along said centerline and parallel with the South line of said Quarter Section 365.00 feet to a point on the East right-of-way line of Kingsway Drive extended; thence North 00 degrees 20 minutes 05 seconds East along said right-of-way line and its extension thereof 440.00 feet; thence South 89 degrees 39 minutes 55 seconds East parallel with the centerline of Willowbrook Parkway and the South line of said Quarter Section 246.13 feet; thence North 18 degrees 41 minutes 55 seconds East 68.86 feet to the point of beginning of this description; thence North 18 degrees 41 minutes 55 seconds East along the last described course 205.00 feet; thence South 71 degrees 18 minutes 05 seconds East 31.00 feet; thence South 18 degrees 41 minutes 55 seconds West 205.00 feet; thence North 71 degrees 18 minutes 05 seconds West 31.00 feet to the point of beginning.

meet the requirement imposed by I.C. 36-7-12-2, as amended of having "... become undesirable or impossible for normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age obsolescence, substandard buildings, or other factors that have impaired values or prevent a normal development of property or use of property ...".

**SECTION 2.** This City-County Council hereby designates, pursuant to I.C. 36-7-12, as amended, the parcels set forth in Section 1 of this ordinance as an Economic Development Target Area.

**SECTION 3.** This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 647, 1984, was adopted on the following roll call vote; viz:

26 AYES: *Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Strader, West*  
NO NAYS

3 NOT VOTING: *Clark, Gilmer, Stewart*

Proposal No. 647, 1984, was retitled SPECIAL RESOLUTION NO. 102, 1984, and reads as follows:

**CITY-COUNTY SPECIAL RESOLUTION NO. 102, 1984**

**A SPECIAL RESOLUTION** approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana, (the "City") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction, renovation, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or sub-leased to users of the facilities; and

WHEREAS, Robert F. Titus and Edgar S. Wilbourn, III and/or any entity(s) designated by either or both of the aforementioned persons (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, renovate, install and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to the Company for the same, said economic development facilities to be the acquisition, renovation, installation and equipping of the existing Willowbrook Park Office Complex containing approximately 450,000 square feet of general lease office space in six buildings the machinery and equipment to be installed therein plus certain site improvements located at 2626 and 2750 East 46th Street, 2421 and 2506 Willowbrook Parkway, 4740 and 4755 and 4760 Kingsway Drive, Indianapolis, Indiana on approximately 16.985 acres of land (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 600 at the end of one year and at the end of three years) to be achieved by the acquisition, renovation, installation and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens and will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the City and its citizens and will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, the acquisition, renovation, installation and equipping of the facilities will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating or in the same market area or in or about Indianapolis, Indiana; now, therefore:

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

**SECTION 1.** The City-County Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in or near Indianapolis, Indiana and in Marion County, is desirable to preserve the health, safety and general welfare of the citizens of the City of Indianapolis, and that it is in the public interest that the Indianapolis Economic Development Commission and said City take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said City.

**SECTION 2.** The City-County Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an amount not to exceed Nine Million Seven Hundred Fifty Thousand Dollars (\$9,750,000) under the Act subject to the Project site being designated as an Economic Development Target Area pursuant to I.C. 36-7-12 for the acquisition, renovation, installation and equipping of the Project and the sale or leasing of the Project to Robert F. Titus and Edgar S. Wilbourn, III and/or any entity(s) designated by either or both of the aforementioned persons (the "Company") or the loaning of the proceeds of such financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

**SECTION 3.** In order to induce the Company to proceed with the acquisition, renovation, installation and equipping of the Project, this City-County Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds provided that at the time of the proposed issuance of such bonds the aggregate amount of private activity bonds issued pursuant to such issue when added to the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year it being understood that the City of Indianapolis by taking this action is not making any representation nor any assurances that any such allocable limit will be available, that inducement resolutions in an aggregate amount in excess of the private activity bond limit may and in all probability will be adopted, and that the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions and that no portion of such private activity bond limit has been guaranteed for the proposed project and subject to the further caveat that this inducement resolution expires June 30, 1985 unless such bonds have been issued prior to the aforesaid date or unless, upon showing of good cause by the Company, the City by official action extends the terms of this inducement resolution.

**SECTION 4.** All costs of the Project incurred after the passage of this resolution, including reimbursement or repayment to the Company of moneys expended by the Company for application fees, planning, engineering, interest paid during renovation, underwriting expenses, attorney and bond counsel fees, acquisition, renovation, installation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the City will thereafter see the same to the Company or loan the proceeds of the revenue bonds to the Company for the Project, and the City will thereafter lease the same to the Company or loan the proceeds of such financing to the Company for the same purpose or sell the same to the Company.

**SECTION 5.** This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 648, 1984. This proposal is an inducement resolution authorizing certain proceedings with respect to proposed economic development bonds for

Calderon Bros. Vending Machines, Inc. (or a partnership formed by the shareholders of Calderon Bros. Vending Machines, Inc.) in an approximate amount of \$1,700,000. Councillor Schneider explained that the project is to construct a 70,000 square foot building on 10.542 acres at the southwest corner of 34th Street and Shadeland Avenue to be used for administrative offices and manufacture and processing of food products. Estimated costs for the \$1,900,000 project are as follows: \$215,000 land, \$1,500,000 building, \$100,000 equipment, and \$85,000 other contingencies. Construction should start March, 1985, with occupancy by December, 1985. The estimated number of additional employment positions at the end of one year total three jobs with \$56,000 in additional payroll to the community. The three-year job estimate is ten positions with \$156,000 in additional payroll. The company reports a current payroll of \$2,375,819 for 147 employees. The Economic Development Committee on December 5, 1984, recommended Proposal No. 648, 1984, Do Pass by a vote of 6-0. Councillor Schneider moved, seconded by Councillor Shaw for adoption. Proposal No. 648, 1984, was adopted on the following roll call vote; viz:

28 AYES: *Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader*

NO NAYS

1 NOT VOTING: *West*

Proposal No. 648, 1984, was retitled SPECIAL RESOLUTION NO. 103, 1984 and reads as follows:

**CITY-COUNTY SPECIAL RESOLUTION NO. 103, 1984**

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana, (the "City") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction, renovation, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or sub-leased to users of the facilities; and

WHEREAS, Calderon Bros. Vending Machines, Inc. or a partnership formed by the shareholders of Calderon Bros. Vending Machines, Inc. (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, construct, install and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to the Company for the same, said economic development facilities to be the acquisition, construction, installation and equipping of a building containing approximately 70,000 square feet and the machinery and equip-

ment to be installed therein certain site improvements located at the southwest corner of the intersection of 34th Street and Shadeland Avenue, Indianapolis, Indiana on approximately 10.5 acres of land which will be used by Calderon Bros. Vending Machines, Inc. for administrative offices, light maintenance and manufacture of food products (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 3 at the end of one year and 10 at the end of three years) to be achieved by the acquisition, construction, installation and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens and will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the City and its citizens and will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, the acquisition, construction, installation and equipping of the facilities will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating or in the same market area or in or about Indianapolis, Indiana; now, therefore:

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

**SECTION 1.** The City-County Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in or near Indianapolis, Indiana and in Marion County, is desirable to preserve the health, safety and general welfare of the citizens of the City of Indianapolis, and that it is in the public interest that the Indianapolis Economic Development Commission and said City take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said City.

**SECTION 2.** The City-County Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an approximate amount of One Million Seven Hundred Thousand Dollars (\$1,700,000) under the Act to be privately placed for the acquisition, construction, installation and equipping of the Project and the sale or leasing of the Project to Calderon Bros. Vending Machines, Inc. or a partnership formed by the shareholders of Calderon Bros. Vending Machines, Inc. (the "Company") or the loaning of the proceeds of such financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

**SECTION 3.** In order to induce the Company to proceed with the acquisition, construction, installation and equipping of the Project, this City-County Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds provided that at the time of the proposed issuance of such bonds the aggregate amount of private activity bonds issued pursuant to such issue when added to the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year it being understood that the City of Indianapolis by taking this action is not making any representation nor any assurances that any such allocable limit will be available, that inducement resolutions in an aggregate amount in excess of the private activity bond limit may and in all probability will be adopted, and that the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement

resolutions and that no portion of such private activity bond limit has been guaranteed for the proposed project and subject to the further caveat that this inducement resolution expires June 30, 1985 unless such bonds have been issued prior to the aforesaid date or unless, upon showing of good cause by the Company, the City by official action extends the terms of this inducement resolution.

**SECTION 4.** All costs of the Project incurred after the passage of this resolution, including reimbursement or repayment to the Company of moneys expended by the Company for application fees, planning, engineering, interest paid during renovation, underwriting expenses, attorney and bond counsel fees, acquisition, construction, renovation, installation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the City will thereafter see the same to the Company or loan the proceeds of the revenue bonds to the Company for the Project, and the City will thereafter lease the same to the Company or loan the proceeds of such financing to the Company for the same purpose or sell the same to the Company.

**SECTION 5.** This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**PROPOSAL NO. 649, 1984.** This proposal is an inducement resolution authorizing certain proceedings with respect to proposed economic development bonds for Van's Carburetor & Electric, Inc. or a partnership to be formed by the principals of said corporation and other members of the VanVlymen family in an approximate amount of \$725,000. Councillor Schneider stated that the project is to acquire, renovate and expand by 3,000 square foot an existing 25,000 square foot building located at 2435 Kentucky Avenue on 3.58 acres which will be used in the applicant and related companies' business of rebuilding carburetors, starters, alternators, regulators, distributors and other vehicle parts for wholesale distribution. Estimated costs for the \$800,000 project for Van's Carburetor & Electric, Inc. are as follows: \$300,000 land; \$275,000 construct extension; \$82,500 rehabilitation expenses, including new heating and ventilation system and sprinkler system; \$7,500 equipment for building; \$14,000 parking and landscaping; \$20,500 costs of bond issue; \$2,000 architect; \$3,000 appraisal and survey; \$20,500 miscellaneous; and \$75,000 contingency. Construction should start March, 1985, with occupancy by June, 1985. The estimated number of additional employment positions at the end of one year total eight jobs with \$150,000 in additional payroll to the community. The three-year job estimate is thirteen positions with \$250,000 in additional payroll. The company reports a current payroll of \$662,194 for forty employees. The Economic Development Committee on December 5, 1984, recommended Proposal No. 649, 1984, Do Pass by a vote of 6-0. Councillor Schneider moved, seconded by Councillor Howard for adoption. Proposal No. 649, 1984, was adopted on the following roll call vote; viz:

29 AYES: Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West  
NO NAYS

Proposal No. 649, 1984, was retitled SPECIAL RESOLUTION NO. 104, 1984, and reads as follows:

**CITY-COUNTY SPECIAL RESOLUTION NO. 104, 1984**

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana, (the "City") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction, renovation, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or sub-leased to users of the facilities; and

WHEREAS, Van's Carburetor & Electric, Inc. or a partnership to be formed by the principals of said corporation and other members of the Van Vlyman family (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, renovate, install and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to the Company for the same, said economic development facilities to be the acquisition, renovation, installation and equipping of an existing building containing approximately 25,000 square feet plus construction of approximately 3,000 square feet of additional space and the machinery and equipment to be installed therein plus certain site improvements to be located at 2435 Kentucky Avenue, Indianapolis, Indiana on approximately 3.58 acres of land which will be used in the business of rebuilding carburetors, starters, alternators, regulators, distributors and other vehicle parts and the wholesale distribution of those parts and various new parts (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 8 at the end of one year and 13 at the end of three years) to be achieved by the acquisition, renovation, installation and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens and will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the City and its citizens and will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, the acquisition, renovation, installation and equipping of the facilities will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating or in the same market area or in or about Indianapolis, Indiana; now, therefore:

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in or near Indianapolis, Indiana and in Marion County, is desirable to preserve the health,

safety and general welfare of the citizens of the City of Indianapolis, and that it is in the public interest that the Indianapolis Economic Development Commission and said City take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said City.

SECTION 2. The City-County Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an approximate amount of Seven Hundred Twenty-five Thousand Dollars (\$725,000) under the Act to be privately placed for the acquisition, renovation, installation and equipping of the Project and the sale or leasing of the Project to Van's Carburetor & Electric, Inc. or a partnership to be formed by the principals of said corporation and other members of the Van Vlyman family (the "Company") or the loaning of the proceeds of such financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Company to proceed with the acquisition, renovation, installation and equipping of the Project, this City-County Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds provided that at the time of the proposed issuance of such bonds the aggregate amount of private activity bonds issued pursuant to such issue when added to the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year it being understood that the City of Indianapolis by taking this action is not making any representation nor any assurances that any such allocable limit will be available, that inducement resolutions in an aggregate amount in excess of the private activity bond limit may and in all probability will be adopted, and that the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions and that no portion of such private activity bond limit has been guaranteed for the proposed project and subject to the further caveat that this inducement resolution expires June 30, 1985 unless such bonds have been issued prior to the aforesaid date or unless, upon showing of good cause by the Company, the City by official action extends the terms of this inducement resolution.

SECTION 4. All costs of the Project incurred after the passage of this resolution, including reimbursement or repayment to the Company of moneys expended by the Company for application fees, planning, engineering, interest paid during renovation, underwriting expenses, attorney and bond counsel fees, acquisition, renovation, installation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the City will thereafter see the same to the Company or loan the proceeds of the revenue bonds to the Company for the Project, and the City will thereafter lease the same to the Company or loan the proceeds of such financing to the Company for the same purpose or sell the same to the Company.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 650 AND 651, 1984. Proposal No. 650, 1984, is a special ordinance designating the parcel of land commonly known as 129 East Market Street as an economic development target area. Proposal No. 651, 1984 is an inducement resolution authorizing certain proceedings with respect to proposed

economic development bonds for Robert E. Carr for an entity to be formed in an approximate amount of \$3,200,000. Councillor Schneider explained that the project is to acquire and renovate the existing twelve-story 65,000 square foot Midwest Bank Building located at 129 E. Market Street for use as office space. The building is currently 35% occupied by the Midwest Bank, and the Bank may remain as a lessee in this space after renovation. Estimated costs for the \$3.2 million project are as follows: \$300,000 land, and \$2.7 million for building and renovation. Renovation should commence March, 1985, and end February, 1986. The building will remain occupied during renovation. The estimated number of additional employment positions at the end of one year total four to five jobs with \$55,000 in additional payroll to the community. The three-year job estimate is nine to eleven positions with \$100,000 in additional payroll. The Economic Development Committee on December 5, 1984, recommended Proposal No. 650 and 651, 1984, Do Pass by a vote of 6-0-1. Councillor Schneider moved, seconded by Councillor Rader for adoption. Proposal No. 650, 1984, was adopted on the following roll call vote; viz:

29 AYES: *Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*  
NO NAYS

Proposal No. 650, 1984, was retitled SPECIAL ORDINANCE NO. 75, 1984, and reads as follows:

**CITY-COUNTY SPECIAL ORDINANCE NO. 75, 1984**

A SPECIAL ORDINANCE designating part of the Consolidated City as an Economic Development Target Area, which designation meets the requirements imposed by I.C. 36-7-12 for allowing industrial development bond financing for economic development facilities used for retail trade, banking, credit agencies or services.

WHEREAS, I.C. 36-7-12 (as amended by P.L. 40-1983) limits the use of industrial development bonds for financing economic development facilities for retail trade, banking, credit agencies or certain services; and

WHEREAS, the statute provides that such economic development facilities may be financed by industrial development bonds if the facility is located in an Economic Development Target Area and the City-County Council finds the facility will not have an adverse competitive impact on facilities of the same kind operating in the same market area and will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, I.C. 36-7-12-38 (as added by P.L. 40-1983) authorizes the City-County Council, after favorable recommendation by the Economic Development Commission, to designate by ordinance a specific geographic area in the Consolidated City, no larger than 25% of the area of the Consolidated City, as an Economic Development Target Area; and

WHEREAS, I.C. 36-7-12-2, as amended, (as added by P.L. 40-1983) indicates that an Economic Development Target Area means a geographic area that:

“(1) has become undesirable or impossible for normal development and occupancy because of a lack of development, cessation of growth, deterioration or improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors that have impaired values or prevent a normal development of property or use of property;

(2) has been declared and confirmed as a redevelopment area before March 31, 1983; under:

- (A) I.C. 36-7-14-15, I.C. 36-7-14-16, and I.C. 36-7-14-17; or
- (B) I.C. 36-7-15.1-8, I.C. 36-7-15.1-9, and I.C. 36-7-15.1-10;

(3) has been designated as a registered historic district under the National Historic Preservation Act of 1966 or under the jurisdiction of a preservation commission organized under I.C. 36-7-11.1, or I.C. 14-3-3.2; or

(4) encompasses buildings, structures, sites, or other facilities that are:

- (A) listed on the national register of historic places established pursuant to the National Historic Preservation Act of 1966;
- (B) listed on the register of Indiana historic sites and historic structures established under I.C. 14-3-3.3; or
- (C) determined to be eligible for listing on the Indiana register by the Indiana state historic preservation officer.”; and

WHEREAS, at its meeting on December 5, 1984 the Indianapolis Economic Development Commission reviewed, considered and favorably recommended to the City-County Council designating the parcel commonly known as 129 East Market Street, Indianapolis, Indiana, as an Economic Development Target Area which parcel is more specifically described as:

Part of Lot 4 in Square 57 of the Donation Lands in the City of Indianapolis, more particularly described as follows, to wit:

Beginning at the northeast corner of said lot, thence West upon and along the North line of said lot, being also the south line of Market Street 64.83 feet, thence South parallel with the West line of said lot, 80.10 feet, thence east parallel with the North Line of said lot 64.83 feet to the East line of said lot which is also the west line of the first alley east of Pennsylvania Street, running from Court Street to Market Street, thence north upon and along the East line of said lot 80.10 feet to the place of beginning.

now, therefore:

**BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

**SECTION 1.** It is hereby found that the parcel commonly known as 129 East Market Street, Indianapolis, Indiana, which is more specifically described as:

Part of Lot 4 in Square 57 of the Donation Lands in the City of Indianapolis, more particularly described as follows, to wit:

Beginning at the northeast corner of said lot, thence West upon and along the North line of said lot, being also the south line of Market Street 64.83 feet, thence South parallel with the West line of said lot, 80.10 feet, thence east parallel with the North Line of said lot 64.83 feet to the East line of said lot which is also the west line of the first alley east of Pennsylvania Street, running from Court Street to Market Street, thence north upon and along the East line of said lot 80.10 feet to the place of beginning.

meets the requirement imposed by I.C. 36-7-12-2, as amended of having "... become undesirable or impossible for normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age obsolescence, substandard buildings, or other factors that have impaired values or prevent a normal development of property or use of property ...".

**SECTION 2.** This City-County Council hereby designates, pursuant to I.C. 36-7-12, as amended, the parcels set forth in Section 1 of this ordinance as an Economic Development Target Area.

**SECTION 3.** This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 651, 1984, was adopted on the following roll call vote; viz:

26 AYES: *Borst, Boyd, Bradley, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*  
NO NAYS

3 NOT VOTING: *Campbell, Clark, Hawkins*

Proposal No. 651, 1984, was retitled SPECIAL RESOLUTION NO. 105, 1984, and reads as follows:

**CITY-COUNTY SPECIAL RESOLUTION NO. 105, 1984**

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana, (the "City") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, renovation, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or sub-leased to users of the facilities; and

WHEREAS, Robert E. Carr for an entity to be formed (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, renovate, install and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to the Company for the same, said economic development facilities to be the acquisition, renovation, installation and equipping of

the existing 12 story office building commonly known as the Midwest National Bank Building containing approximately 65,000 square feet and the machinery and equipment to be installed therein plus certain site improvements to be located at 129 East Market Street, Indianapolis, Indiana on approximately 0.1 acres of land which will be leased for general office use including banking (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 8 at the end of one year and 18 at the end of three years) to be achieved by the acquisition, renovation, installation and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens and will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the City and its citizens and will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, the acquisition, renovation, installation and equipping of the facilities will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating or in the same market area or in or about Indianapolis, Indiana; now, therefore:

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in or near Indianapolis, Indiana and in Marion County, is desirable to preserve the health, safety and general welfare of the citizens of the City of Indianapolis, and that it is in the public interest that the Indianapolis Economic Development Commission and said City take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said City.

SECTION 2. The City-County Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an approximate amount of Three Million Two Hundred Thousand Dollars (\$3,200,000) under the Act to be privately placed and subject to the Project Site being designated as an Economic Development Target Area pursuant to I.C. 36-7-12 for the acquisition, renovation, installation and equipping of the Project and the sale or leasing of the Project to Robert E. Carr for an entity to be formed Inc. (the "Company") or the loaning of the proceeds of such financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Company to proceed with the acquisition, renovation, installation and equipping of the Project, this City-County Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds provided that at the time of the proposed issuance of such bonds the aggregate amount of private activity bonds issued pursuant to such issue when added to the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year it being understood that the City of Indianapolis by taking this action is not making any representation nor any assurances that any such allocable limit will be available, that inducement resolutions in an aggregate amount in excess of the private activity bond limit may and in all probability will be adopted, and that the proposed Project will have no priority over other projects which

have applied for such private activity bonds and have received inducement resolutions and that no portion of such private activity bond limit has been guaranteed for the proposed project and subject to the further caveat that this inducement resolution expires June 30, 1985 unless such bonds have been issued prior to the aforesaid date or unless, upon showing of good cause by the Company, the City by official action extends the terms of this inducement resolution.

**SECTION 4.** All costs of the Project incurred after the passage of this resolution, including reimbursement or repayment to the Company of moneys expended by the Company for application fees, planning, engineering, interest paid during renovation, underwriting expenses, attorney and bond counsel fees, acquisition, renovation, installation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the City will thereafter see the same to the Company or loan the proceeds of the revenue bonds to the Company for the Project, and the City will thereafter lease the same to the Company or loan the proceeds of such financing to the Company for the same purpose or sell the same to the Company.

**SECTION 5.** This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**PROPOSAL NO. 652, 1984.** This proposal is an inducement resolution authorizing certain proceedings with respect to proposed economic development bonds for Cambridge Group, Inc. in an approximate amount of \$8,000,000. Councillor Schneider reviewed the project which is the construction of a 120-bed skilled and intermediate care 38,000 square foot nursing facility at the southwest corner of 86th Street and Township Line Road. Estimated costs for the \$8,000,000 project are as follows: \$1,300,000 land, \$4,500,000 building, \$900,000 equipment, \$800,000 other contingencies, and \$500,000 cost of issuance including but not limited to underwriters discount and Letter of Credit fees. Construction should begin soon after inducement with a completion date on or about July, 1986. The estimated number of additional employment positions at the end of one year total forty-six jobs with \$629,919 in additional payroll to the community. The three-year job estimate is ninety-two positions with \$1,258,654 in additional payroll. The Economic Development Committee on December 5, 1984, recommended Proposal No. 652, 1984, Do Pass by a vote of 7-0. Councillor Schneider moved, seconded by Councillor Gilmer for adoption. Proposal No. 652, 1984, was adopted on the following roll call vote; viz:

**25 AYES:** Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Giffin, Gilmer, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West

**NO NAYS**

**4 NOT VOTING:** Clark, Dowden, Durnil, Hawkins

Proposal No. 652, 1984, was retitled **SPECIAL RESOLUTION NO. 106, 1984**, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 106, 1984

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana, (the "City") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or sub-leased to users of the facilities; and

WHEREAS, Cambridge Group, Inc. (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, construct, install and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to the Company for the same, said economic development facilities to be the acquisition, construction, installation and equipping of a building containing approximately 65,000 square feet and the machinery and equipment to be installed therein plus certain site improvements to be located at the southwest corner of the intersection of 86th Street and Township Line Road, Indianapolis, Indiana on approximately 38.0 acres of land which will be used as an approximately 120 bed skilled and intermediate care nursing home (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 46 at the end of one year and 92 at the end of three years) to be achieved by the acquisition, construction, installation and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens and will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the City and its citizens and will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, the acquisition, construction, installation and equipping of the facilities will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating or in the same market area or in or about Indianapolis, Indiana; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in or near Indianapolis, Indiana and in Marion County, is desirable to preserve the health, safety and general welfare of the citizens of the City of Indianapolis, and that it is in the public interest that the Indianapolis Economic Development Commission and said City take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said City.

SECTION 2. The City-County Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an approximate amount of Eight Million Dollars (\$8,000,000) under the Act for the acquisition, construction, installation and equipping of the Project and the sale or leasing of the Project to Cambridge Group, Inc. (the "Company") or the loaning of the proceeds of such financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Company to proceed with the acquisition, construction, installation and equipping of the Project, this City-County Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken

such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds provided that at the time of the proposed issuance of such bonds the aggregate amount of private activity bonds issued pursuant to such issue when added to the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year it being understood that the City of Indianapolis by taking this action is not making any representation nor any assurances that any such allocable limit will be available, that inducement resolutions in an aggregate amount in excess of the private activity bond limit may and in all probability will be adopted, and that the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions and that no portion of such private activity bond limit has been guaranteed for the proposed project and subject to the further caveat that this inducement resolution expires June 30, 1985 unless such bonds have been issued prior to the aforesaid date or unless, upon showing of good cause by the Company, the City by official action extends the terms of this inducement resolution.

SECTION 4. All costs of the Project incurred after the passage of this resolution, including reimbursement or repayment to the Company of moneys expended by the Company for application fees, planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction, installation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the City will thereafter see the same to the Company or loan the proceeds of the revenue bonds to the Company for the Project, and the City will thereafter lease the same to the Company or loan the proceeds of such financing to the Company for the same purpose or sell the same to the Company.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 653, 1984. This is an inducement resolution amending previously adopted Special Resolution No. 54, 1984, to increase the dollar amount of the inducement resolution from \$4,000,000 to \$4,500,000 for Congregate Housing Partnership. Councillor Schneider explained that the estimate of costs has increased since the adoption of Special Resolution No. 54, 1984, on June 11, 1984. The Economic Development Committee on December 5, 1984, recommended Proposal No. 653, 1984, Do Pass by a vote of 6-0. Councillor Schneider moved, seconded by Councillor Howard for adoption. Proposal No. 653, 1984, was adopted on the following roll call vote; viz:

28 AYES: *Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

1 NOT VOTING: *Clark*

Proposal No. 653, 1984, was retitled SPECIAL RESOLUTION NO. 107, 1984, and reads as follows:

**CITY-COUNTY SPECIAL RESOLUTION NO. 107, 1984**

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana, (the "City") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities either directly owned by or leased or sold to a company; and leased or sub-leased to users of the facilities; and

WHEREAS, Congregate Housing Partnership (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, construct and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to the Company for the same, said economic development facilities to be the acquisition, construction, installation and equipping of an approximately 118,500 square foot 124 unit multi-family residential rental facility for the elderly and the machinery and equipment to be located therein plus certain site improvements to be located at 3060 Valley Farms Road, Indianapolis, Indiana on approximately 4.5 acres of land to be known as Eagle Valley Retirement Center (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (approximately 25 additional jobs at the end of one year and 30 additional jobs at the end of three years) to be achieved by the acquisition, construction, installation and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens and will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, the City-County Council on June 11, 1984 adopted Special Resolution No. 54, 1984 which stated in part "The City-County Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an approximate amount of \$4,000,000 under the Act for the acquisition, construction, installation and equipping of the Project and the sale or leasing of the Project to Congregate Housing Partnership (the "Company") or the loaning of the proceeds of such financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act"; and

WHEREAS, the Company has advised the City that the costs of the Project have increased and that it wishes to have the dollar amount of Special Resolution No. 54, 1984 increased to \$4,500,000; and

WHEREAS, it would appear that the increase in the dollar amount of the financing of the Project would be of public benefit to the health, safety and general welfare of the City and its citizens and will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, the acquisition, construction, installation and equipping of the facilities will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating or in the same market area or in or about Indianapolis, Indiana; now, therefore:

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in or near Indianapolis, Indiana and in Marion County, is desirable to preserve the health, safety and general welfare of the citizens of the City of Indianapolis, and that it is in the public interest that the Indianapolis Economic Development Commission and said City take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said City.

SECTION 2. The City-County Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an approximate amount of \$4,500,000 under the Act to be privately placed for the acquisition, construction, installation and equipping of the Project and the sale or leasing of the Project to Congregate Housing Partnership (the "Company") or the loaning of the proceeds of such financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Company to proceed with the acquisition, construction, installation and equipping of the Project, this City-County Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds provided that at the time of the proposed issuance of such bonds the aggregate amount of private activity bonds issued pursuant to such issue when added to the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year it being understood that the City of Indianapolis by taking this action is not making any representation nor any assurances that any such allocable limit will be available, that inducement resolutions in an aggregate amount in excess of the private activity bond limit may and in all probability will be adopted, and that the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions and that no portion of such private activity bond limit has been guaranteed for the proposed project and subject to the further caveat that this inducement resolution expires June 30, 1985 unless such bonds have been issued prior to the aforesaid date or unless, upon showing of good cause by the Company, the City by official action extends the terms of this inducement resolution.

SECTION 4. All costs of the Project incurred after the passage of this resolution, including reimbursement or repayment to the Company of moneys expended by the Company for application fees, planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction, installation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the City will thereafter see the same to the Company or loan the proceeds of the revenue bonds to the Company for the Project, and the City will thereafter lease the same to the Company or loan the proceeds of such financing to the Company for the same purpose or sell the same to the Company.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NOS. 654-659, 1984. Councillor Schneider explained that all inducement resolutions written since approximately October 1, 1984, have included an expiration date of approximately six months after passage. Other

inducement resolutions written in July, August and September 1984 had expiration dates of December 31, 1984, and some of these projects are still viable but have not yet completed their financing. Proposal Nos. 654-659, 1984, changes the expiration dates from December 31, 1984, to June 30, 1985. The Economic Development Committee on December 5, 1984, recommended Proposal Nos. 654-659, 1984, Do Pass by a vote of 6-0. Councillor Schneider moved, seconded by Councillor Rader for adoption. Proposal No. 654, 1984, was adopted on the following roll call vote; viz:

27 AYES: *Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

2 NOT VOTING: *Clark, Dowden*

Proposal No. 654, 1984, was retitled SPECIAL RESOLUTION NO. 108, 1984, and reads as follows:

**CITY-COUNTY SPECIAL RESOLUTION NO. 108, 1984**

A SPECIAL RESOLUTION amending City-County Special Resolution No. 68, 1984 and approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana, (the "City") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction, renovation, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or subleased to users of the facilities; and

WHEREAS, City-County Special Resolution No. 68, 1984 has been previously adopted by the City-County Council of the City of Indianapolis and Marion County, Indiana, concerning certain proposed economic development facilities to be developed by Brylane, Inc., a Delaware corporation or any entity affiliated with Brylane, Inc. (the "Company") which Special Resolution contained an expiration date of December 31, 1984 unless the economic development revenue bonds for the Project" . . . have been issued prior to the aforesaid date or unless, upon a showing of good cause by the Company, the City by official action extends the term of [the] inducement resolution."

WHEREAS, such bonds have not yet been issued as of the date of adoption of this City-County Special Resolution but the Company has shown good cause to extend the expiration date of the previously adopted Special Resolution No. 68, 1984; now, therefore:

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the City-County Special Resolution No. 68, 1984 is hereby amended by deleting the

expiration date of December 31, 1984 contained in Section 3 thereof and replacing said date with the date of June 30, 1985.

**SECTION 2.** The City-County Council further finds, determines, ratifies and confirms that except as modified by Section 1 hereof, all other findings and provisions of City-County Special Resolution No. 68, 1984 shall remain unchanged and are hereby reaffirmed and confirmed.

**SECTION 3.** This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 655, 1984, was adopted on the following roll call vote; viz:

28 AYES: *Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

1 NOT VOTING: *Crowe*

Proposal No. 655, 1984, was retitled SPECIAL RESOLUTION NO. 109, 1984 and reads as follows:

**CITY-COUNTY SPECIAL RESOLUTION NO. 109, 1984**

A SPECIAL RESOLUTION amending City-County Special Resolution No. 69, 1984 and approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana, (the "City") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction, renovation, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or subleased to users of the facilities; and

WHEREAS, City-County Special Resolution No. 69, 1984 has been previously adopted by the City-County Council of the City of Indianapolis and Marion County, Indiana, concerning certain proposed economic development facilities to be developed by Indianapolis Heliport Corporation (the "Company") which Special Resolution contained an expiration date of December 31, 1984 unless the economic development revenue bonds for the Project " . . . have been issued prior to the aforesaid date or unless, upon a showing of good cause by the Company, the City by official action extends the term [ the ] inducement resolution."

WHEREAS, such bonds have not yet been issued as of the date of adoption of this City-County Special Resolution but the Company has shown good cause to extend the expiration date of the previously adopted Special Resolution No. 69, 1984; now, therefore:

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

**SECTION 1.** The City-County Council finds, determines, ratifies and confirms that the City-County Special Resolution No. 69, 1984 is hereby amended by deleting the expiration date of December 31, 1984 contained in Section 3 thereof and replacing said date with the date of June 30, 1985.

**SECTION 2.** The City-County Council further finds, determines, ratifies and confirms that except as modified by Section 1 hereof, all other findings and provisions of City-County Special Resolution No. 69, 1984 shall remain unchanged and are hereby reaffirmed and confirmed.

**SECTION 3.** This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 656, 1984, was adopted on the following roll call vote; viz:

28 AYES: *Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

1 NOT VOTING: *Hawkins*

Proposal No. 656, 1984, was retitled SPECIAL RESOLUTION NO. 110, 1984, and reads as follows:

**CITY-COUNTY SPECIAL RESOLUTION NO. 110, 1984**

A SPECIAL RESOLUTION amending City-County Special Resolution No. 72, 1984 and approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana, (the "City") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction, renovation, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or subleased to users of the facilities; and

WHEREAS, City-County Special Resolution No. 72, 1984 has been previously adopted by the City-County Council of the City of Indianapolis and Marion County, Indiana, concerning certain proposed economic development facilities to be developed by Massachusetts Point Partners, Ltd. (the "Company") which Special Resolution contained an expiration date of December 31, 1984 unless the economic development revenue bonds for the Project " . . . have been issued prior to the aforesaid date or unless, upon a showing of good cause by the Company, the City by official action extends the term of [the] inducement resolution."

WHEREAS, such bonds have not yet been issued as of the date of adoption of this City-County Special Resolution but the Company has shown good cause to extend the expiration date of the previously adopted Special Resolution No. 72, 1984; now, therefore:

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

**SECTION 1.** The City-County Council finds, determines, ratifies and confirms that the City-County Special Resolution No. 72, 1984 is hereby amended by deleting the expiration date of December 31, 1984 contained in Section 3 thereof and replacing said date with the date of June 30, 1985.

**SECTION 2.** The City-County Council further finds, determines, ratifies and confirms that except as modified by Section 1 hereof, all other findings and provisions of City-County Special Resolution No. 72, 1984 shall remain unchanged and are hereby reaffirmed and confirmed.

**SECTION 3.** This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 657, 1984, was adopted on the following roll call vote; viz:

27 AYES: *Borst, Boyd, Campbell, Clark, Cottingham, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*  
NO NAYS

2 NOT VOTING: *Bradley, Coughenour*

Proposal No. 657, 1984, was retitled SPECIAL RESOLUTION NO. 111, 1984, and reads as follows:

**CITY-COUNTY SPECIAL RESOLUTION NO. 111, 1984**

A SPECIAL RESOLUTION amending City-County Special Resolution No. 75, 1984 and approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana, (the "City") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction, renovation, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or subleased to users of the facilities; and

WHEREAS, City-County Special Resolution No. 75, 1984 has been previously adopted by the City-County Council of the City of Indianapolis and Marion County, Indiana, concerning certain proposed economic development facilities to be developed by Massachusetts Avenue Realty (the "Company") which Special Resolution contained an expiration date of December 31, 1984 unless the economic development revenue bonds for the Project "... have been issued prior to the aforesaid date or unless, upon a showing of good cause by the Company, the City by official action extends the term of [the] inducement resolution..."

WHEREAS, such bonds have not yet been issued as of the date of adoption of this City-County Special Resolution but the Company has shown good cause to extend the expiration date of the previously adopted Special Resolution No. 75, 1984; now, therefore:

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the City-County Special Resolution No. 75, 1984 is hereby amended by deleting the expiration date of December 31, 1984 contained in Section 3 thereof and replacing said date with the date of June 30, 1985.

SECTION 2. The City-County Council further finds, determines, ratifies and confirms that except as modified by Section 1 hereof, all other findings and provisions of City-County Special Resolution No. 75, 1984 shall remain unchanged and are hereby reaffirmed and confirmed.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 658, 1984, was adopted on the following roll call vote; viz:

28 AYES: *Borst, Boyd, Bradley, Campbell, Clark, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

1 NOT VOTING: *Cottingham*

Proposal No. 658, 1984, was retitled SPECIAL RESOLUTION NO. 112, 1984, and reads as follows:

**CITY-COUNTY SPECIAL RESOLUTION NO. 112, 1984**

A SPECIAL RESOLUTION amending City-County Special Resolution No. 76, 1984 and approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana, (the "City") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction, renovation, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or subleased to users of the facilities; and

WHEREAS, City-County Special Resolution No. 76, 1984 has been previously adopted by the City-County Council of the City of Indianapolis and Marion County, Indiana, concerning certain proposed economic development facilities to be developed by a partnership to be formed by the principals of Station Place Partnership (the "Company") which Special Resolution contained an expiration date of December 31, 1984 unless the economic development revenue bonds for the Project "... have been issued prior to the aforesaid date or unless, upon a showing of good cause by the Company, the City by official action extends the term of [the] inducement resolution."

WHEREAS, such bonds have not yet been issued as of the date of adoption of this City-County Special Resolution but the Company has shown good cause to extend the expiration date of the previously adopted Special Resolution No. 76, 1984; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the City-County Special Resolution No. 76, 1984 is hereby amended by deleting the expiration date of December 31, 1984 contained in Section 3 thereof and replacing said date with the date of June 30, 1985.

SECTION 2. The City-County Council further finds, determines, ratifies and confirms that except as modified by Section 1 hereof, all other findings and provisions of City-County Special Resolution No. 76, 1984 shall remain unchanged and are hereby reaffirmed and confirmed.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 659, 1984, was adopted on the following roll call vote; viz:

27 AYES: *Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

2 NOT VOTING: *Clark, Dowden*

Proposal No. 659, 1984, was retitled SPECIAL RESOLUTION NO. 113, 1984, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 113, 1984

A SPECIAL RESOLUTION amending City-County Special Resolution No. 77, 1984 and approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana, (the "City") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction, renovation, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or subleased to users of the facilities; and

WHEREAS, City-County Special Resolution No. 77, 1984 has been previously adopted by the City-County Council of the City of Indianapolis and Marion County, Indiana, concerning certain proposed economic development facilities to be developed by JMH Partners (the "Company") which Special Resolution contained an expiration date of December 31, 1984 unless the economic development revenue bonds for the Project " . . . have been issued prior to the aforesaid date or unless, upon a showing of good cause by the Company, the City by official action extends the term of [the] inducement resolution."

WHEREAS, such bonds have not yet been issued as of the date of adoption of this City-County Special Resolution but the Company has shown good cause to extend the expiration date of the previously adopted Special Resolution No. 77, 1984; now, therefore:

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

**SECTION 1.** The City-County Council finds, determines, ratifies and confirms that the City-County Special Resolution No. 77, 1984 is hereby amended by deleting the expiration date of December 31, 1984 contained in Section 3 thereof and replacing said date with the date of June 30, 1985.

**SECTION 2.** The City-County Council further finds, determines, ratifies and confirms that except as modified by Section 1 hereof, all other findings and provisions of City-County Special Resolution No. 77, 1984 shall remain unchanged and are hereby reaffirmed and confirmed.

**SECTION 3.** This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NOS. 674-676, 1984. Introduced by Councillor Borst. The Clerk read the proposals entitled: "GENERAL ORDINANCE and REZONING ORDINANCES certified by the Metropolitan Development Commission on November 26, 1984". It is normally the practice of the Council to hold a public hearing on General Ordinances, but Councillor Borst explained that Proposal No. 674, repeals portions of the Code which are out of date. No action was taken by the Council, and the proposals were deemed adopted. Proposal No. 674, 1984, was retitled GENERAL ORDINANCE NO. 78, 1984, and Proposal Nos. 675 and 676, 1984, were retitled REZONING ORDINANCE NOS. 185 and 186, 1984, and read as follows:

**GENERAL ORDINANCE NO. 78, 1984 84-AO-1**

An Ordinance repealing the Gasoline Service Station Ordinance (66-AO-4) and Off-Street Parking Area Zoning Ordinance (68-AO-12) and Planned Unit Development-Special District Ordinance (70-AO-1) of Marion County, Indiana.

**REZONING ORDINANCE NO. 185, 1984 84-Z-179 WASHINGTON TOWNSHIP  
COUNCILMANIC DISTRICT NO. 4**

8525 KELLY LANE, INDIANAPOLIS  
Mike's Car Wash, Inc., by Stephen D. Mears, requests the rezoning of 0.75 acre, being in the C-S district, to the C-S classification, to provide for the construction of a car wash.

**REZONING ORDINANCE NO. 186, 1984 84-Z-197 PERRY TOWNSHIP  
COUNCILMANIC DISTRICT NO. 25**

1851 WEST THOMPSON ROAD, INDIANAPOLIS  
Overland Express, Inc., by Stephen D. Mears, requests the rezoning of 21.9 acres, being in the SU-23 (GSB) classification, to the I-4-S district, to allow for the expansion of a motor truck terminal facility.

PROPOSAL NOS. 677-684, 1984. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on December 7, 1984". Councillor Clark asked

for clarification on the digest of Proposal No. 683, 1984. Councillor Clark moved to amend the digest by deleting the following words: "to provide for light industrial development. This technical amendment passed by a unanimous voice vote. There being no further action taken by the Council, the proposals were deemed adopted. Proposal Nos. 677-684, 1984, were retitled REZONING ORDINANCE NOS. 187-194, 1984, and read as follows:

**REZONING ORDINANCE NO. 187, 1984 84-Z-170 PIKE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 8  
4630 LAFAYETTE ROAD, INDIANAPOLIS**  
Carl W. Ritchie, by Ronald D. Casey, requests the rezoning of 2.42 acres, being in the C-4 district, to the C-5 classification, to provide for the construction of a Dollar Inn Motel.

**REZONING ORDINANCE NO. 188, 1984 84-Z-186 PIKE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 1  
6450 GEORGETOWN ROAD, INDIANAPOLIS**  
Morris E. Thomas, Jr., by William F. LeMond, requests the rezoning of 9.95 acres, being in the A-2 district, to the D-6 II classification, to provide for the construction of multi-family dwellings.

**REZONING ORDINANCE NO. 189, 1984 84-Z-188 WARREN TOWNSHIP  
COUNCILMANIC DISTRICT NO. 15  
1399 NORTH SHADELAND AVENUE, INDIANAPOLIS**  
Joseph and Mary Ellen Greskamp, by Mary E. Solada, request the rezoning of 0.29 acre, being in the D-3 district, to the C-3 classification, to provide for renovation of the existing residential structure for retail use.

**REZONING ORDINANCE NO. 190, 1984 84-Z-189 WAYNE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 21  
2335 SOUTH LYNHURST DRIVE, INDIANAPOLIS**  
Lewis Rothbard, by Stephen A. Backer, requests the rezoning of 2.6 acres, being in the C-2 and C-4 districts, to the C-1 classification, to provide for the development of an office complex.

**REZONING ORDINANCE NO. 191, 1984 84-Z-190 WARREN TOWNSHIP  
COUNCILMANIC DISTRICT NO. 12  
7801 EAST 38TH STREET, INDIANAPOLIS**  
Colby B. Sandler, by William F. LeMond, requests the rezoning of 4.26 acres, being in the C-3 district, to the C-S classification, to provide for the construction of mini-warehouses, including a resident manager.

**REZONING ORDINANCE NO. 192, 1984 84-Z-191 WARREN TOWNSHIP  
COUNCILMANIC DISTRICT NO. 11  
5707 EAST 38TH STREET, INDIANAPOLIS**  
Kyong Chang Kum and Haeshuk Kum, by Steven M. Kirsh, request the rezoning of 0.26 acre, being in the D-4 district, to the C-3 classification, to convert a residential structure for a small retail shop.

**REZONING ORDINANCE NO. 193, 1984 84-Z-195 AMENDED WARREN TOWNSHIP  
COUNCILMANIC DISTRICT NO. 14  
450 SOUTH FRANKLIN ROAD, INDIANAPOLIS**  
Earl M. Wachtstetter and Mary F. Wachtstetter, by Dixon B. Dann, request the rezoning of 2.56 acres, being in the A-2 district, to the C-1 classification, to provide for the construction of a residential structure for a small retail shop.

**REZONING ORDINANCE NO. 194, 1984 84-Z-196 PERRY TOWNSHIP  
COUNCILMANIC DISTRICT NO. 24  
6721 SOUTH GRAY ROAD, INDIANAPOLIS**

Marjorie, Thomas O. and Shirley Thompson by Dixon B. Dann, request the rezoning of 0.76 acre, being in the A-2 district, to the C-1 classification, to provide for commercial development.

**SPECIAL ORDERS - PUBLIC HEARING**

PROPOSAL NO. 618, 1984. This proposal transfers \$14,900 for remodeling of the Recorder's Office. Councillor Cottingham explained that the remodeling will include the addition of new carpeting and installation of a new counter that will also be equipped with three office desks. After the remodeling there will be more space available to lease to title companies which will generate approximately \$8,000 annually. The County and Townships Committee on December 4, 1984, recommended Proposal No. 618, 1984, Do Pass by a vote of 6-0. President SerVaas called for public testimony at 8:16 p.m. There being no one present to testify, Councillor Cottingham moved, seconded by Councillor Hawkins for adoption. Proposal No. 618, 1984, was adopted on the following roll call vote; viz:

*21 AYES: Borst, Boyd, Bradley, Cottingham, Coughenour, Crowe, Curry, Gilmer, Hawkins, Holmes, Journey, McGrath, Miller, Nickell, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, West*

*5 NAYS: Campbell, Durnil, Howard, Page, Strader*

*3 NOT VOTING: Clark, Dowden, Giffin*

Proposal No. 618, 1984, was retitled FISCAL ORDINANCE NO. 100, 1984, and reads as follows:

**CITY-COUNTY FISCAL ORDINANCE NO. 100, 1984**

**A FISCAL ORDINANCE** amending the City-County Council Annual Budget for 1984 (City-County council Fiscal Ordinance No. 72, 1983) appropriating an additional Fourteen Thousand Nine Hundred Dollars (\$14,900) in the County General Fund for purposes of the Marion County Recorder and reducing certain other appropriations for the Marion County Auditor.

**BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

**SECTION 1.** To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.03 (a)(6) of the City-County Annual Budget for 1984, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing a transfer of funds from the Auditor for the remodeling of the Recorder's Office.

SECTION 2. The sum of Fourteen Thousand Nine Hundred Dollars (\$14,900) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the appropriations as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:	
MARION COUNTY RECORDER	COUNTY GENERAL FUND
3. Other Services & Charges	<u>\$14,900</u>
TOTAL INCREASE	<u>\$14,900</u>

SECTION 4. The said increased appropriation is funded by the following reductions:	
MARION COUNTY AUDITOR	COUNTY GENERAL FUND
3. Other Services & Charges	<u>\$14,900</u>
TOTAL REDUCTION	<u>\$14,900</u>

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 644, 1984. This proposal is a final bond ordinance authorizing the issuance of \$6,500,000 Economic Development Revenue Bonds for Butler Associates, Ltd. Councillor Schneider stated that the project is to renovate Jordan Hall for lease to Butler University for educational and administrative offices. The project does not involve renovation of the Hinkle Fieldhouse. This proposal is under "Public Hearing" because the developer gave too late a notice for the advertisement of a fourteen-day advance notice for the Commission meeting (to satisfy the I.R.S. requirements). Bond financing contains the following documents: Loan Agreement; Mortgage and Security Agreement; Indenture of Trust; Conditional Assignment of Leases and Rentals. The interest rate is 70% of the Average Prime Rate. Interest commences April 1, 1985, and is payable January 1, April 1, July 1 and October 1. The principal is payable January 1, 2005. The Economic Development Committee on December 5, 1984, recommended Proposal No. 644, 1984, Do Pass by a vote of 6-0. President SerVaas called for public testimony at 8:21 p.m. There being no one present to testify, Councillor Schneider moved, seconded by Councillor Rhodes for adoption. Proposal No. 644, 1984, was adopted on the following roll call vote; viz:

29 AYES: *Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*  
NO NAYS

Proposal No. 644, 1984, was retitled SPECIAL ORDINANCE NO. 76, 1984, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 76, 1984

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development Revenue Bonds, Series 1984 (Butler Associates, Limited Project)" in the aggregate principal amount of Six Million Five Hundred Thousand Dollars (\$6,500,000) and approving and authorizing other actions in respect thereto.

WHEREAS, the Indianapolis Economic Development Commission has rendered a report of the Indianapolis Economic Development Commission concerning the proposed financing of economic development facilities for Butler Associates, Limited and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on December 5, 1984, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of certain economic development facilities to be developed by Butler Associates, Limited (the "Company") consisting of the acquisition, renovation, installation and equipping of Jordan Hall and the machinery and equipment to be located therein plus certain site improvements to be located at 4600 Sunset Avenue on the campus of Butler University, Indianapolis, Indiana which facilities will be leased to Butler University which will use them for educational and administrative offices (the "Project") which will be initially owned by Butler Associates, Limited complies with the purposes and provisions of Indiana Code 36-7-12 and that such financing will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Loan Agreement, Mortgage and Security Agreement, First Mortgage Note, Series 1984, Trust Indenture, Conditional Assignment of Lease and Rentals, Official Statement and the form of the City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1984 (Butler Associates, Limited Project) by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement, Mortgage and Security Agreement consisting of the acquisition, renovation, installation and equipping of Jordan Hall and the machinery and equipment to be located therein plus certain site improvements to be located at 4600 Sunset Avenue on the campus of Butler University, Indianapolis, Indiana which facilities will be leased to Butler University which will use them for educational and administrative offices previously approved by the Indianapolis Economic Development Commission now presented to this City-County Council, the issuance and sale of revenue bonds, the loan of the net proceeds thereof to Butler Associates, Limited for the purposes of financing the economic development facilities being acquired, renovated, installed and equipped or to be acquired, renovated, installed and equipped in Indianapolis, Indiana, and the repayment of said loan by Butler Associates, Limited will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of Indiana Code 36-7-12.

SECTION 2. The forms of the Trust Indenture, Conditional Assignment of Lease and Rentals, Official Statement, Loan Agreement, Mortgage and Security Agreement, First Mortgage Note, Series 1984 and the form of the City of Indianapolis Economic Development Revenue Bonds, Series 1984 (Butler Associates, Limited Project) approved by the Indianapolis Economic Development Commission are hereby approved and all such documents shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two (2) copies of the Trust Indenture, Conditional Assignment of

Lease and Rentals, Official Statement, Loan Agreement, Mortgage and Security Agreement, First Mortgage Note, Series 1984 and the form of the City of Indianapolis Economic Development Revenue Bonds, Series 1984 (Butler Associates, Limited Project) are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The City of Indianapolis shall issue its Economic Development Revenue Bonds, Series 1984 (Butler Associates, Limited Project) in the aggregate principal amount of Six Million Five Hundred Thousand Dollars (\$6,500,000) for the purpose of procuring funds to loan to Butler Associates, Limited in order to finance the economic development facilities, heretofore referred to as the Project, which is more particularly set out in the Loan Agreement, Mortgage and Security Agreement incorporated herein by reference, which Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by Butler Associates, Limited on its First Mortgage Note, Series 1984 in the principal amount of Six Million Five Hundred Thousand Dollars (\$6,500,000), which will be executed and delivered by Butler Associates, Limited to evidence and secure said loan, and as otherwise provided in the above described Loan Agreement, Mortgage and Security Agreement, Trust Indenture and Conditional Assignment of Lease and Rentals. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The City Clerk or City Controller are authorized and directed to sell such Bonds to the purchaser or purchasers thereof at a price not less than 95% of the aggregate principal amount thereof, plus accrued interest, if any and at a stated per annum rate of interest as set forth in the Trust Indenture provide, however, the interest rate on the Bonds shall in no event exceed 30% per annum.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute the Loan Agreement, Mortgage and Security Agreement, Trust Indenture, Official Statement, the City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1984 (Butler Associates, Limited Project), and the Endorsement to the First Mortgage Note, Series 1984 approved herein, and their execution is hereby confirmed, on behalf of the City of Indianapolis and any other document which may be necessary or desirable to consummate the transaction. The signatures of the Mayor and City Clerk on the Bonds may be facsimile signatures. The City Clerk or City Controller are authorized to arrange for the delivery of such Bonds to the purchaser or purchasers thereof payment for which will be made in the manner set forth in the Loan Agreement, Mortgage and Security Agreement. The Mayor and City Clerk may by their execution of the Trust Indenture, Official Statement, Loan Agreement, Mortgage and Security Agreement, the Endorsement to the First Mortgage Note, Series 1984 and imprinting of their facsimile signatures on the Bonds or their manual signatures thereof approve changes therein and also in the First Mortgage Note, Series 1984 and Conditional Assignment of Lease and Rentals without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in I.C. 36-7-12-27 (a)(1) through (a)(11).

SECTION 6. The provisions of this ordinance and the Trust Indenture shall constitute a contract binding between the City of Indianapolis and the holder of the Economic Development Revenue Bond, Series 1984 (Butler Associates, Limited Project) and after the issuance of said Bonds this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as said Bonds or the interest thereon remains unpaid.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 533, 1984. This is a final bond ordinance authorizing the issuance of \$1,200,000 Economic Development Revenue Bonds for White Arts, Inc. Councillor Schneider requested that the Council "Strike" Proposal No. 533, 1984, because the Company has stated that they do not want to proceed with bond financing. Proposal No. 533, 1984, was stricken by unanimous voice vote.

PROPOSAL NO. 606, 1984. This is a final bond ordinance authorizing the issuance of \$1,600,000 Economic Development Revenue Bonds for Indianapolis Heliport Corporation. Councillor Schneider reviewed the project as the construction of: 1) a 6,000 square foot hangar space; 2) 6,000 square foot maintenance bay; 3) twenty to thirty seat cafeteria lounge; 4) 2,500 square foot of retail space; 5) a common lobby area; and 6) public parking. The project is located at the southeast corner of the intersection of South New Jersey Street and Pearl Street on approximately 5.5 acres of land leased from the Indianapolis Airport Authority. Total square footage of the building to be constructed: 24,648 square feet. Councillor Schneider explained that the Council was viewing an amended version of Proposal No. 606 and that the amendments were to change various references to October and November to November and December as they relate to scheduled principal and interest payment dates and the dates of certain documents. Bond financing contains the following documents: Loan Agreement, Trust Indenture (with Indiana National Bank), Open-End Mortgage and Security Agreement, Guaranty Agreement, Pledge Agreement, Bond Purchase Agreement (with the Cincinnati Insurance Company). The interest rate of 12% is payable June 1 and December 1 commencing June 1, 1985. The principal matures serially on December 1 of each year commencing December 1, 1985 in various amounts with the last maturity December 1, 2004. Councillor Schneider moved, seconded by Councillor Stewart for adoption. Proposal No. 606, 1984, as amended, was adopted on the following roll call vote; viz:

29 AYES: *Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*

Proposal No. 606, 1984, was retitled SPECIAL ORDINANCE NO. 77, 1984, as amended, and reads as follows:

**CITY-COUNTY SPECIAL ORDINANCE NO. 77, 1984**

**A SPECIAL ORDINANCE authorizing the issuance of \$1,600,000 aggregate principal amount of Economic Development First Mortgage Revenue Bonds (Indianapolis Heliport Corporation Project) of the City of Indianapolis, Indiana, the proceeds of**

which shall be loaned to Indianapolis Heliport Corporation to assist in the financing of an economic development facility; providing for the pledge of revenues for the payment of such Bonds; authorizing a Loan Agreement, Trust Indenture, Bond Purchase Agreement and Assignments appropriate for the protection and disposition of such revenues and to further secure such Bonds; and authorizing other actions in connection with the issuance of such Bonds.

WHEREAS, the City of Indianapolis, Indiana (the "Issuer"), as a municipal corporation and political subdivision in and of the State of Indiana, and by virtue of the laws of the State of Indiana, including Indiana Code, Title 18, Article 6, Chapter 4.5, as recodified and amended at I.C. 36-7-12 is authorized and empowered among other things (a) to make a loan for the construction, installation and equipping of an economic development facility within the boundaries of the Issuer, (b) to issue and sell its revenue bonds to provide moneys for such loan, and (c) to enact this Bond Legislation and execute and deliver the assignments and agreements hereinafter identified; and

WHEREAS, this City-County Council has determined and does hereby confirm that the construction, installation and equipping of the Project, as hereinafter defined, will promote the welfare of the people of the Issuer, create or preserve jobs and employment opportunities, and assist in the development of economic, manufacturing and industrial activities to the benefit of the people of the Issuer, and that the Issuer, by assisting with the financing of the Project through the issuance of revenue bonds in the aggregate principal amount of \$1,600,000, will be acting in a manner consistent with and in furtherance of the provisions of Indiana Code, Title 18, Article 6, Chapter 4.5, as recodified and amended at I.C. 36-7-12; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Definitions. In addition to the words and terms defined in the recitals and elsewhere in this Bond Legislation and in the Indenture, the words and terms defined in this Section shall have the meanings herein specified unless the context or use clearly indicates another or different meaning or intent. Those words and terms not expressly defined herein and used herein with initial capitalization where rules of grammar do not otherwise require capitalization shall have the meanings assigned to them in the Agreement, as hereinafter defined.

"Act" means Indiana Code, Title 18, Article 6, Chapter 4.5, as recodified and amended at I.C. 36-7-12 and amendments and supplements thereto such as are hereafter adopted.

"Agreement" or "Loan Agreement" means the Loan Agreement dated as of December 1, 1984 between the Issuer and the Borrower, and any permitted amendments or supplements thereto.

"Bonds" means the Bonds authorized in Section 3 hereof, including any Bond issued in exchange therefor as provided in the Indenture.

"Bond Fund" means the Bond principal, premium and interest fund created by Section 8 hereof.

"Bondholder" or "Holder" means, initially, the Original Purchaser, or the person in whose name a Bond is registered; provided that, solely as used in the definitions of "Determination of Taxability" and "Event of Taxability", the term "Bondholder" also includes the owner of an undivided participation interest in any Bond.

"Bond Legislation" means this ordinance.

"Bond Purchase Agreement" means the Bond Purchase Agreement dated as of December 1, 1984 among the Issuer, the Trustee, the Borrower and the Original Purchaser, and any permitted amendments or supplements thereto.

"Bond Service Charges" for any time period means the principal, including any amortization or redemption requirements, interest, and redemption premium, if any, required to be paid by the Issuer on the Bonds for such time period. Any "late charge" and any payment required to be made on the Bonds with interest at the Interest Rate for Advances shall also constitute a Bond Service Charge.

"Borrower" means Indianapolis Heliport Corporation, an Indiana corporation.

"Code" means the Internal Revenue Code of 1954, as amended, and regulations promulgated thereunder.

"Completion Date" means the date of completion of the construction, installation and equipping of the Project as that date shall be certified as provided in Section 3.5 of the Agreement.

"Construction Fund" means the fund created by Section 7 hereof.

"Determination of Taxability" means (i) the filing by the Borrower or any other person or entity of any statement, supplemental statement or other tax schedule, return or document (whether pursuant to Treasury Regulations "11.103-10(b)(2)(vi)(c) or otherwise) which discloses that an Event of Taxability has occurred, or (ii) the final assertion by the Internal Revenue Service or any agent thereof to the effect that interest on the Bonds is includable in the gross income for federal income tax purposes of any Holder (other than a Holder who is a "substantial user" of the Project or a "related person", as those terms are used in Section 103 of the Code) or (iii) the final adoption of legislation or regulations or a final determination, decision, decree or ruling of any judicial or administrative authority which has the effect of requiring interest on the Bond to be included in the gross income for Federal income tax purposes of any Holder (other than a Holder who is a "substantial user" of the Project or a "related person", as those terms are used in Section 103 of the Code). For purposes of clause (iii) in the preceding sentence, a decision, decree or ruling by any judicial or administrative authority shall be considered final upon the expiration or waiver of all periods for judicial review or appeal, as the case may be.

"Eligible Investments" means (i) any bonds or other direct obligations of the United States of America; (ii) obligations of the Federal National Mortgage Association or the Government National Mortgage Association; (iii) obligations of the Federal Intermediate Credit Banks; (iv) obligations of Federal Banks for Cooperatives; (v) obligations of Federal Land Banks; (vi) obligations of the Federal Financing Bank; (vii) repurchase agreements issued by a Federal Reserve member bank, including the Trustee or Government Dealers, fully secured by obligations of any of the kinds specified in clauses (i) through (vi) above; (viii) time deposits, certificates of deposit, documented discount notes secured by stand-by letters of credit, bank reverse repurchase agreements or bankers acceptances of banks or trust companies, including the Trustee, organized under the laws of the United States of America or any state thereof, which have combined capital and earned and unearned surplus of at least \$25,000,000 in dollars of the United States of America; (ix) commercial paper or finance company paper which is rated not less than prime-one or A-1 or their equivalents by Moody's Investors Service, Inc., or Standard & Poor's Corporation, respectively, or their successors, or both, if rated by both; or (x) obligations, of any state of the United States of America or of any political subdivision or other instrumentality of any such state, which are rated at least "A" or its equivalent by either Moody's Investors Service, Inc., or Standard & Poor's Corporation, or their successors, or both, if rated by both.

"Event of Taxability" means the occurrence of circumstances which a Determination of Taxability shall have found to have occurred, or which shall constitute a Determination of Taxability, and which results in the interest payable on the Bond becoming includable in the gross income for Federal income tax purposes of any Bondholder (other than a Bondholder who is a "substantial user" of the Project or a "related person" as those terms are used in Section 103 of the Code), such occurrence of circumstances relating to a specific point in time.

"Executive" means the Mayor of the Issuer.

"Final Maturity Date" means December 1, 2004.

"Fiscal Officer" means the Controller of the Issuer.

"Guarantor" means, collectively, James M. Brown, Jr. and Patricia A. Brown, jointly and severally, their heirs, successors and assigns.

"Guaranty Agreement" means the Guaranty Agreement of even date herewith executed by the Guarantor and accepted by the Trustee, and any permitted amendments or supplements thereto.

"Indenture" means the Trust Indenture dated as of December 1, 1984, between the Issuer and the Trustee, including this Bond Legislation as a part thereof, and any permitted amendments or supplements thereto.

"Issuing Authority" means the City-County Council of the Issuer.

"Interest Payment Date" as to the Bonds means the first day of each December and June, commencing June 1, 1985 and continuing semi-annually thereafter.

"Interest Rate for Advances" means the annual rate of interest which is equal to twenty-one percent (21%); provided that in no event shall the Interest Rate for Advances exceed the rate permitted by law.

"Legal Officer" means the Corporation Counsel of the Issuer.

"Mortgage" means the Open-End Mortgage and Security Agreement dated as of December 1, 1984, whereby the Borrower has granted to the Trustee, as security for payment of the Note and the Bonds, a mortgage on and security interest in the Project and the Project Site, and any permitted amendments or supplements thereto.

"Note" means the Promissory Note, in the form attached as Exhibit C to the Loan Agreement, issued by the Borrower to the Issuer concurrent with the delivery of the Loan Agreement.

"Note Payments" means any and all payments of principal of and interest, and prepayment premiums or Additional Payments, if any, on the Note.

"Original Principal Sum" means \$1,600,000, the aggregate original face amount of the Bonds.

"Original Purchaser" means The Cincinnati Insurance Company, an Ohio corporation.

"Outstanding Bond" or "Bond outstanding" or "outstanding" as applied to the Bonds, means, as of any date, any Bond which has been authenticated and delivered, or is then being delivered, by the Trustee under the Indenture except:

- (a) Any Bond surrendered and replaced upon exchange or transfer, or cancelled because of payment or redemption, at or prior to such date;
- (b) Any Bond for the payment, redemption or purchase for cancellation of which sufficient moneys have been deposited prior to such date with the Trustee (whether upon or prior to the Final Maturity Date or the redemption date of any such Bond), or which is deemed to have been paid and discharged pursuant to the provisions of Section 8.02 of the Indenture; provided that if such Bond is to be redeemed prior to the Final Maturity Date, notice of such redemption shall have been given or arrangements satisfactory to the Trustee shall have been made therefor, or waiver of such notice satisfactory in form to the Trustee shall have been filed with the Trustee; and

(c) Any Bond in lieu of which another has been authenticated (or payment, when due, of which is made without replacement) under Section 2.04 of the Indenture:

and also except that

(d) For the purpose of determining whether the holders of the requisite principal amount of Bonds have made or concurred in any notice, request, demand, direction, consent, approval, order, waiver, acceptance, appointment or other instrument or communication under or pursuant to this Indenture, Bonds owned by or for the account of the Borrower or any person owned, controlled by, under common control with or controlling the Borrower shall be disregarded and deemed to be not outstanding. The term "control" (including the terms "controlling", "controlled by" and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract, or otherwise. Beneficial ownership of 5% or more of a class of securities having general voting power to elect a majority of the board of directors of a corporation shall be conclusive evidence of control of such corporation.

"Payment in Full of the Bonds" means the first date when the Bonds are no longer deemed to be outstanding pursuant to Section 8.02 of the Indenture.

"Person" means natural persons, firms, associations, corporations and public bodies.

"Pledged Receipts" means (a) the Note Payments, (b) subject to the provisions of Sections 3.04, 4.02 and 8.02 of the Indenture with respect to the Trustee holding moneys for the benefit of any Bondholder, all other moneys received by the Issuer, or the Trustee for the account of the Issuer, in respect of the Agreement or the Project, except certain expense, reimbursement and indemnity payments which are, pursuant to the provisions of the Agreement, to be made by the Borrower directly to the Issuer or the Trustee, (c) any moneys on deposit in the Construction Fund, the Bond Fund or the Reserve Fund and (d) the income and profit from the investment of any moneys while held in the Construction Fund, the Bond Fund or the Reserve Fund.

"Project" means the Project Site and the real, personal, or real and personal property, including undivided interests or other interest therein, identified in Exhibit A to the Agreement, or acquired, constructed or installed as a replacement or substitution therefor or an addition thereto, or as may result from a revision of the plans and specifications therefor in accordance with the provision of the Loan Agreement or Mortgage.

"Project Site" means the real estate and interests in real estate constituting the site of and part of the Project, as described in Exhibit B to the Agreement.

"Reserve Fund" means the Reserve Fund created in Section 8(a) hereof.

"Reserve Fund Payment" means as to the Bonds, the amount payable by the Borrower to the Trustee, as determined by Section 4.1(d) of the Loan Agreement, which amount shall be deposited in the Reserve Fund and used by the Trustee as provided herein.

"State" means the State of Indiana.

"Taxable Rate of Interest" means the Interest Rate for Advances.

"Trustee" means the Trustee at the time acting as such under the Indenture, originally The Indiana National Bank, as Trustee, and any successor Trustee as determined or designated under or pursuant to the Indenture.

Any reference herein to the Issuer, the Issuing Authority, the Indianapolis Economic Development Commission or to any officer or official thereof, shall include those succeeding to their respective functions, duties or responsibilities pursuant to or by operation of law or who are lawfully performing such functions. Any reference herein to any other person or entity shall include his or its respective successors and assigns. Any reference to a section or provision of the Code, the Act or to a section, provision or chapter of the Indiana Code shall include such section or provision or chapter as from time to time amended, modified, revised, supplemented, or superseded; provided, however, that no such change shall alter the obligation to pay the Bond Service Charges in the amounts and manner, at the times, and from the sources provided in this Bond Legislation and the Indenture, except as otherwise herein permitted, or shall be deemed applicable by reason of this provision if such change would in any way constitute an impairment of the rights of the Issuer or the Borrower under the Agreement.

Unless the context shall otherwise indicate, words importing the singular number shall include the plural number, and vice versa, any pronoun shall be deemed to cover all genders, and the terms "herein", "hereof", "hereby", "hereto", "hereunder", and similar terms, mean this Bond Legislation and the Indenture and not solely the portion hereof in which any such word is used.

**SECTION 2. Determinations of Issuing Authority.** Pursuant to the Act, the Issuing Authority hereby finds and determines that the Project is an "economic development facility" as defined in the Act and that all actions required under the Act to be taken by the Issuer, the City-County Government of Indianapolis, Indiana, the Trustee and the Borrower prior to the issuance of the Bonds have been duly authorized and completed. The Issuing Authority hereby further determines that the Issuer shall and does hereby elect to have the provisions as the \$10,000,000 limit in Section 103(b)(6)(D) of the Code apply to the Bonds.

**SECTION 3. Authorization of Bonds.** It is hereby determined to be necessary to, and the Issuer shall, issue, sell and deliver, as provided herein and pursuant to the authority of the Act, the Bonds in the aggregate principal amount of \$1,600,000 for the purpose of financing costs of constructing and installing the Project, including costs incidental thereto and of the financing thereof, all in accordance with the provisions of the Loan Agreement and the Bond Purchase Agreement. The Bonds shall be designated "Economic Development First Mortgage Revenue Bonds (Indianapolis Heliport Corporation Project)".

**SECTION 4. Terms of Bonds.** The Bonds shall initially be issued registered form, as may be requested by the Original Purchaser thereof, shall be exchangeable for Bonds in the manner and on the terms provided in the Indenture, shall be numbered from R-1 upwards, and shall be in substantially the forms set forth therefor in the Indenture.

The Bonds shall be issued in the denominations of \$5,000 and any multiple thereof, and shall be of a single maturity of the same series; provided that the Fiscal Officer with the approval of the Trustee may authorize issuance of one or more Bonds representing more than one maturity of the same series with appropriate changes in the form of such a Bond to cover more than one maturity, such approval and authorization to be evidenced as provided in the Indenture.

Each fully registered Bond shall carry an original issue date of December 1, 1984, and shall be dated as of the date on which it is authenticated. If it is authenticated prior to the first day of which interest is to be paid, it shall bear interest from the date of delivery of the Bond. Each Bond authenticated after the first day on which interest is to be paid shall bear interest from the interest payment date through which interest has been paid as of the date on which it is authenticated; provided that if at the time of authentication of Bond interest is in default thereon, such Bond shall be dated as of the date to which interest has been paid.

The Bonds being delivered to The Cincinnati Insurance Company, as Original Purchaser, aggregating \$1,600,000 in principal amount, mature December 1, 2004 and shall bear interest from their respective dates at a fixed rate of twelve percent (12%) per annum on the outstanding principal amount thereof. Interest on the Bonds shall be payable semiannually on June 1 and December 1 of each year, beginning June 1, 1985. Interest shall be calculated on a 360 day year 30 day month basis. Upon any transfer and surrender of the Bond in accordance with the provisions of the Indenture, the Issuer shall execute and deliver a new Bond in exchange therefor as provided in the Indenture.

Principal on the Bonds shall be payable annually on December 1, 1985, and on each December 1 thereafter to and including December 1, 2004, in the following amounts:

<u>Principal Payment Date</u>	<u>Principal Payment Amount</u>
December 1, 1985	\$ 5,000
December 1, 1986	\$ 10,000
December 1, 1987	\$ 15,000
December 1, 1988	\$ 20,000
December 1, 1989	\$ 25,000
December 1, 1990	\$ 30,000
December 1, 1991	\$ 35,000
December 1, 1992	\$ 40,000
December 1, 1993	\$ 45,000
December 1, 1994	\$ 50,000
December 1, 1995	\$ 60,000
December 1, 1996	\$ 70,000
December 1, 1997	\$ 85,000
December 1, 1998	\$100,000
December 1, 1999	\$110,000
December 1, 2000	\$125,000
December 1, 2001	\$150,000
December 1, 2002	\$175,000
December 1, 2003	\$200,000
December 1, 2004	\$250,000

The principal payable on any outstanding Bond in accordance with the foregoing paragraph shall be an amount which bears the same ratio to the aggregate amount of principal payable on all outstanding Bonds as the outstanding principal amount of such Bond bears to the aggregate outstanding principal amount of all Bonds.

The Bonds are subject to optional redemption, in whole or in part by lot, prior to maturity by the Issuer at the direction of the Borrower on December 1, 1994, or on any Interest Payment Date thereafter, in the event of exercise by the Borrower of its option to prepay the Note in full or in part as provided by the first paragraph of Section 6.1 of the Loan Agreement at the redemption prices (expressed as percentages of the principal amounts thereof) set forth below, plus accrued interest to the redemption date. The redemption date in any such event shall be the date set by the Borrower for prepayment of the Note in accordance with the provisions of such paragraph:

<u>If Prepaid (dates inclusive)</u>	<u>The redemption price shall be the following percentage of the Principal Amount of Bonds to be Redeemed</u>
December 1, 1994 and June 1, 1995	105-3/4%
December 1, 1995 and June 1, 1996	104-3/4%
December 1, 1996 and June 1, 1997	103-3/4%

December 1, 1997 and June 1, 1998	102-3/4%
December 1, 1998 and June 1, 1999	101-3/4%
December 1, 1999 and June 1, 2000	100-3/4%
December 1, 2000 and thereafter	100%

The Bonds are also subject to optional redemption, in whole, but not in part, in the event of the exercise by the Borrower of its options to prepay the Note in whole or in part as provided by the fifth paragraph of Section 6.1 of the Loan Agreement, at a redemption price of 100% of principal balance of the Bonds to be redeemed on the date of redemption, plus accrued interest to the redemption date.

The Bonds shall also be callable for redemption in whole or in part by lot, upon occurrence of any of the circumstances which operate to require prepayment of the Note in whole or in part by the Borrower in accordance with the provisions of the third paragraph of Section 6.1 and Section 6.2 of the Loan Agreement. The redemption date in any of such events shall be the date set by the Borrower, (or in default thereof, by the Trustee) for the prepayment of the Note in whole or in part in accordance with the provisions of the Loan Agreement. The redemption price in any of such events shall be 100% of the principal balance of the Bonds to be redeemed on the date of redemption, plus accrued interest to the redemption date; provided that upon any call for redemption of the Bonds due to a Determination of Taxability, the redemption price shall be increased by an amount equal to the difference between (a)(i) the aggregate amount of interest which would have been payable on the Bonds if the interest rate on the Bonds, commencing on the date of the Event of Taxability, had been the Taxable Rate of Interest, plus (ii) any penalties and interest payable by the Holders to any taxing authority as a result of the loss of the tax-exempt status of interest on the Bonds, plus (iii) all attorneys fees and other costs incurred by the Holders in contesting or resisting the loss of the tax-exempt status of interest on the Bonds, and (b) the aggregate amount of interest actually paid on the Bonds to the redemption date.

The obligation of the Issuer to make semi-annual payments of principal and interest on the principal amount of the Bonds which remains outstanding after any partial redemption shall not be affected by such partial redemption, such partial redemption operating instead to pay and redeem the principal of the Bonds at dates earlier than the originally scheduled principal amortization dates, in inverse chronological order.

Notice from Borrower to the Trustee that the Note is to be prepaid in whole or in part pursuant to the Agreement shall constitute the direction of the Issuer to the Trustee to call some or all, as the case may be, of the then outstanding Bonds, and no separate notice from the Issuer to the Trustee shall be required.

When less than the entire unmatured portion of the Bonds shall be called for redemption at any time or from time to time the selection of such Bonds or portions of Bonds to be called shall be made by lot by the Trustee in such manner as the Trustee may determine.

Notice of the call for any redemption of Bonds, identifying by designation, letters, numbers, or other distinguishing marks, the Bonds (in amounts of \$5,000 or any multiple thereof) or portions of Bonds to be redeemed, the redemption price to be paid, the date fixed for redemption and the place or places where the amounts due upon such redemption are payable, shall be given by the Trustee, by mailing a copy of the redemption notice by first class mail at least thirty days prior to the date fixed for redemption to the owner of each such Bond to be redeemed at the address shown on the registration books kept by the Trustee; provided, however, that failure to give such notice by mailing, or any defect in such notice, shall not affect the validity of any proceedings for the redemption of the Bonds. The holder or holders of Bonds may waive any notice of redemption in writing, and in such event, no notice of any kind need be given with respect to the Bonds of such holder or holders to be so redeemed.

All Bond Service Charges on Bonds shall be payable by check or draft drawn upon the Trustee and mailed or delivered to the Bondholder at its address as shown on the Bond registration books to be kept by the Trustee; provided however that the final Bond Service Charges shall be payable at the corporate trust office of the Trustee upon presentation and surrender of the Bond at such office. All payments of Bond Service Charges shall be made in lawful money of the United States of America, without deduction for services as paying agent. If any Bond Service Charges are not paid when due, the Issuer shall also pay to the Trustee, for distribution to the Bondholder, a "late charge" equal to 4% of such Bond Service Charges to cover the extra expenses involved in handling delinquent payments. In addition, upon acceleration of the Bond, the amounts payable upon such acceleration, together with interest thereon at the Interest Rate for Advances from the date of acceleration, shall continue as an obligation of the Issuer until paid. All payments from the Issuer referred to herein shall be payable solely from the Pledged Receipts.

All Bonds shall bear such designation as may be necessary to distinguish them from Bonds of any other series. All Bonds shall be negotiable instruments, subject to applicable provisions for registration, and shall express on their faces the purpose for which they are issued and such other statements or legends as may be required by law.

If Bonds or portions of Bonds are duly called for redemption and if on such redemption date moneys for the redemption of all the Bonds to be redeemed, together with accrued interest to the redemption date, shall be held by the Trustee so as to be available therefore, then from and after such redemption date such Bonds or portions of Bonds shall cease to bear interest maturing subsequent to the redemption date shall be void.

The Bonds shall be executed on behalf of the Issuer by the Executive and by the Clerk of the Issuer, provided that any or all of such signatures may be facsimiles, and the seal of the Issuer shall be impressed thereon or a facsimile of such seal placed thereon. In case any officer whose signature or a facsimile thereof shall appear on any Bond, shall cease to be such officer before the issuance, authentication or delivery of the Bond, such signature or facsimile thereof shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until after that time.

**SECTION 5. Security for the Bonds.** As provided herein, the Bonds shall be payable solely from the Bond Fund and the Pledged Receipts and secured by a pledge of and lien on the Pledged Receipts and the Bond Fund, and shall be further secured by the Mortgage, the Guaranty Agreement (as defined in the Loan Agreement) and the Indenture. Neither the Bond Legislation, the Bonds, the Indenture, the Loan Agreement, nor the Bond Purchase Agreement shall represent or constitute a debt or pledge of the faith and credit or the taxing power of the Issuer, and each Bond shall contain on the face thereof a statement to that effect.

**SECTION 6. Sale of Bonds.** The Bonds are hereby sold and awarded to the Original Purchaser, in accordance with its offer therefor in the Bond Purchase Agreement, at a purchase price of 100% of the principal amount of the Bonds to be purchased by it, aggregating \$1,600,000, plus accrued interest, if any, from the date of the Bonds. The Executive and the Fiscal Officer are authorized and directed to make on behalf of the Issuer the necessary arrangements with the Original Purchaser to establish the date, location, procedure and conditions for the delivery of the Bonds to the Original Purchaser, and to take all steps necessary to effect due execution, authentication and delivery to the Original Purchaser of the Bonds purchased by it under the terms of this Bond Legislation, the Indenture and the Bond Purchase Agreement. It is hereby determined that the price for and the terms of the Bonds, and the sale thereof, all as provided in this Bond Legislation and the Bond Purchase Agreement, are in the best interest of the Issuer and consistent with all legal requirements.

**SECTION 7. Allocation of Proceeds of Bond - Construction Fund.** There is hereby created by the Issuer and ordered maintained, as a separate deposit account (except when invested as hereinafter provided) in the custody of the Trustee, a trust fund in

the name of the Issuer to be designated "City of Indianapolis - Indianapolis Heliport Corporation Construction Fund". All of the sums from the sale of the Bonds, except accrued interest on the Bonds, shall be deposited in the Construction Fund and disbursed by the Trustee in accordance with the Loan Agreement. The Trustee is authorized and directed to issue its check for each such disbursement. The moneys to the credit of the Construction Fund (including the proceeds from the sale of investments thereof) shall, pending applications there of as above set forth, be subject to a lien and charge in favor of the Holder.

**SECTION 8. Source of Payment - Bond Fund.** As provided in the Agreement, Note Payments, sufficient in time and amount to pay the Bond Service Charges as they come due, are to be paid by the Borrower directly to the Trustee for the account of the Issuer and deposited in the Bond Fund.

There is hereby created by the Issuer and ordered maintained, as a separate deposit account (except when invested as hereinafter provided) in the custody of the Trustee, a trust fund to be designated "City of Indianapolis - Indianapolis Heliport Corporation Bond Fund". There is also hereby created two separate subaccounts in the Bond Fund, to be designated the "Principal Account" and the "Interest Account". Subject to the provisions of the Agreement, the Bond Fund and the moneys therein are hereby pledged to and shall be used solely and exclusively for the payment of Bond Service Charges as they fall due at stated maturity or by amortization or redemption, all as provided herein and in the Indenture and the Agreement, with Bond Service Charges representing repayment of principal on the Bonds, whether at maturity, or by mandatory or optional redemption, being paid only from the Principal Account and with Bond Service Charges representing all other amounts being paid only from the Interest Account, except as provided in Section 8.02 of the Trust Indenture relating to defeasance of the Bonds.

Except as otherwise provided in this Bond Legislation or in the Agreement, and except for payments to be deposited into the Reserve Fund, there shall be deposited into the Bond Fund, as and when received, all Pledged Receipts, as follows: All portions of the Note Payments representing a payment of principal on the outstanding balance of the Note, all moneys from the Reserve Fund or investment of Reserve Fund moneys transferred from the Reserve Fund or otherwise credited to the Bond Fund and any other payments received by the Trustee to be used to repay principal on the Bonds, shall be deposited into the Principal Account, and all other Pledged Receipts shall be deposited into the Interest Account.

The Issuer covenants and agrees that, until Payment in Full of the Bonds, it will deposit or cause to be deposited in the Bond Fund Pledged Receipts sufficient in time and amount to pay the Bond Service Charges as the same become due and payable, and to this end the Issuer covenants and agrees that it will diligently and promptly proceed in good faith and use its best efforts to enforce the Agreement and that, should there be an event of default under the Agreement, the Issuer shall fully cooperate with the Trustee and with the Bondholder to fully protect the rights and security of the Bondholder hereunder. Nothing herein shall be construed as requiring the Issuer to use or apply to the payment of Bond Service Charges any funds other than the Bond Fund and the Construction Fund or revenues from any source other than Pledged Receipts.

The Issuer covenants and agrees, whenever the moneys and investments in the Bond Fund (or otherwise held by the Trustee for such purpose) are sufficient in amount to redeem the entire principal amount of the Bonds then outstanding and to pay interest to accrue thereon to the date or dates of such redemption, and any applicable premiums, to take and cause to be taken, upon notification by the Borrower or the Trustee, the necessary steps to redeem the Bonds on the next succeeding redemption date or dates for which the required notice of call for redemption may be given.

SECTION 8(a). Reserved Fund. There is hereby created by the Issuer and ordered maintained, as a separate deposit account (except when invested as hereinafter provided) in the custody of the Trustee, a trust fund to be designated "City of Indianapolis - Indianapolis Heliport Corporation Reserve Fund" (hereinafter called the "Reserve Fund"). As provided in Section 4.1(d) of the Agreement, Reserve Fund Payments are to be paid by the Borrower directly to the Trustee for the account of the Issuer and deposited in the Reserve Fund. There shall be deposited or credited to the Reserve Fund from the Reserve Fund Payments and from all other sources, including from income earned on the investment of monies credited to such Reserve Fund, an amount equal to not more than \$240,000, which is 15% of the Original Principal Sum and the reserve reasonably required by the Original Purchaser. Until the principal amount of the Reserve Fund shall have totaled \$240,000, the Trustee shall invest the monies in such Reserve Fund as provided in Section 10 hereof and shall accumulate such income in the Reserve Fund and add such income to the principal thereof. When the amount of the Reserve Fund shall have aggregated \$240,000, the Trustee shall credit all further income received from the investment thereof to the Principal Account of the Bond Fund to pay Bond Service Charges representing repayment of principal on the Bonds, whether at maturity, or by optional redemption, to the fullest extent possible, on the next succeeding Interest Payment Date or maturity date.

If, on any Interest Payment Date, the balance in the Bond Fund is insufficient to pay the required Bond Service Charges, then the Trustee shall immediately transfer from the Reserve Fund to the Bond Fund an amount sufficient to make up such deficiency in the Bond Fund. With the approval of the Borrower, which approval shall not be unreasonably withheld, the Trustee may also make withdrawals from the Reserve Fund to pay the fees and expenses of the Trustee. After any such transfer as aforesaid, the Trustee may again receive and credit Reserve Fund Payments to the Reserve Fund until the amount thereof shall again total \$240,000.

SECTION 9. Covenants of Issuer. In addition to other covenants of the Issuer in the Bond Legislation and the Indenture, the Issuer further covenants and agrees as follows:

(a) Payment of Bond Service Charges. The Issuer will, solely from the sources herein provided, pay or cause to be paid the Bond Service Charges on the Bonds on the dates, at the places and in the manner provided herein and in the Bonds.

(b) Performance of Covenants, Authority and Actions. The Issuer will at all time faithfully observe and perform all agreements, covenants, undertakings, stipulations and provisions contained in the Bond Legislation, the Agreement, Bond Purchase Agreement, the Indenture and the Bonds, and required therein to be observed and performed by the Issuer. The Issuer warrants and covenants that it is, and upon delivery of the Bonds will be, duly authorized by the Constitution and laws of the State, including particularly and without limitation the Act, to issue the Bonds, to execute the Indenture, the Bond Purchase Agreement, the Agreement and the assignment of the Note, and to provide the security for payment of the Bond Service Charges in the manner and to the extent herein and in the Indenture set forth; that all actions on its part for the issuance of the Bonds, and the execution and delivery of the Indenture, the Bond Purchase Agreement, the Agreement and the assignment of the Note, have been or will be duly and effectively taken; and that the Bonds will be valid, binding and enforceable special obligations of the Issuer according to the terms thereof. Each provision of the Bond Legislation, Indenture, the Bond Purchase Agreement, the Agreement and the bonds is binding upon each such officer of the Issuer as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duties required by such provision. However, no such covenant, stipulation, obligation or agreement shall be deemed to be a covenant, stipulation, obligation or agreement of any present or future member, officer, agent or employee of the Issuer, the Indianapolis Economic Development Commission or the Issuing Authority in his individual capacity, and neither the members of the Issuing Authority, the Indianapolis Economic Development Commission nor any official executing the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by the reason of the issuance thereof.

(c) Pledged Receipts. Except as otherwise provided in the Bond Legislation, Indenture, Bond Purchase Agreement and Agreement, the Issuer will not make any pledge or assignment of or create any lien or encumbrance upon the Construction Fund, the bond Fund, the Reserve Fund or the Pledged Receipts, other than the pledge and assignment thereof under the Bond Legislation, Indenture and Agreement.

(d) Recordings and Filings. The Issuer will cooperate in causing all necessary financing statements, amendments thereto, continuation statements and instruments of similar character relating to the pledges and assignments made by the Issuer to secure the Bonds, to be recorded or filed in such manner and in such places as and to the extent required by law in order to fully preserve and protect the security of the Holder and the rights of the Trustee under the Indenture; and in pursuance thereof the Borrower has covenanted to cause to be delivered to the Trustee certain opinions of counsel, all as set forth in Section 5.10 of the Agreement.

(e) Inspection of Project Books. All books and documents in the Issuer's possession relating to the Project or to the Pledged Receipts shall at all reasonable times be open to inspection by such employees, accountants or other agents of the Trustee as the Trustee may from time to time designate.

(f) Maintenance of Agreement. The Issuer shall do all things and take all actions on its part necessary to comply with the obligations, duties and responsibilities on the part of the Issuer under the Agreement, and will take all actions within its authority to maintain the Agreement in effect in accordance with the terms thereof and to enforce and protect the rights of the Issuer thereunder, including actions at law and in equity, as may be appropriate.

(g) List of Bondholders. To the extent that such information shall be made known to the Issuer under the terms of this paragraph, the Issuer will keep or arrange to have kept on file at the corporate trust office of the Trustee a list of names and addresses of the last known holders of Bonds payable to bearer. Any Bondholder may in a writing addressed to the Issuer or Trustee request that his name and address be placed on said list, which request shall include a statement of the principal amount of Bonds held by such holder and shall identify, by number and series designation, such Bonds. Neither the Issuer nor the Trustee shall be under any responsibility with regard to the accuracy of said list. At reasonable times and under reasonable regulations established by the Trustee, said list may be inspected and copied by the Borrower, or by the holders (or a designated representative thereof) of twenty-five percent or more in principal amount of Bonds then outstanding, such holding and the authority of any such designated representative to be evidenced to the satisfaction of the Trustee.

(h) Rights under Agreement. The Trustee, in its name or in the name of the Issuer, may, for and on behalf of the Bondholder, enforce all rights of the Issuer and all obligations of the Borrower under and pursuant to the Agreement, whether or not the Issuer is in default of the pursuit or enforcement of such rights and obligations.

(i) Arbitrage Provisions. The Issuer will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Bonds are delivered to the Original Purchaser, so that they will not constitute arbitrage bonds under Section 103(c) of the Code and the applicable regulations prescribed under that section. The Fiscal Officer or any other officer having responsibility with respect to the issuance of the Bonds is authorized and directed, alone or in conjunction with any of the foregoing or with any other officer, employee, consultant or agent of the Issuer, or any officer of the Borrower, and upon receipt of satisfactory indemnities from the Borrower, to give an appropriate certificate on behalf of the Issuer, for inclusion in the transcript of proceedings for the Bonds, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to such Section 103(c) and regulations thereunder.

**SECTION 10.** Investment of Bond Fund, Construction Fund and Reserve Fund Money. Moneys in the Bond Fund, the Reserve Fund and the Construction Fund shall be invested and reinvested by the Trustee in any Eligible Investments, in accordance with and subject to any written orders, or oral orders confirmed promptly in writing, of the Authorized Borrower Representative with respect thereto, provided that investments of moneys in the Bond Fund shall mature or be redeemable at the option of the Trustee at the times and in the amounts necessary to provide moneys hereunder to pay Bond Service Charges as they fall due at stated maturity or by amortization or redemption, and that each investment of moneys in the Construction Fund shall in any event mature or be redeemable at the option of the Trustee at such time as may be necessary to make timely payments from such Fund. Subject to any such orders with respect thereto, the Trustee may from time to time sell such investments and reinvest the proceeds therefrom in Eligible Investments maturing or redeemable as aforesaid. Any such investments may be purchased from the Trustee. The Trustee shall sell or redeem investments standing to the credit of The Bond Fund to produce sufficient moneys hereunder at the time required for the purposes of paying Bond Service Charges when due as aforesaid. An investment made from moneys credited to the Bond Fund, the Reserve fund or Construction Fund shall constitute part of that respective Fund and such respective Fund shall be credited with all proceeds of sale and income or loss from such investment, provided further that all investments of any moneys credited to the Principal Account or Interest Account of the Bond Fund shall constitute part of the respective Account, and such respective Account shall be credited with all proceeds of sale and income or loss from such investment, subject to the restrictions set forth in Section 8(a) hereof with respect to the Reserve Fund. The Borrower has covenanted in the Agreement to restrict the use of the proceeds of the Bonds so that they will not constitute arbitrage bonds under the Code.

**SECTION 11.** Authorization of Agreement, Bond Purchase Agreement, Indenture and Assignment. In order to better secure the payment of the Bond Service Charges as the same shall become due and payable, the Executive and the Clerk of the Issuer are hereby authorized and directed to execute, acknowledge and deliver, on behalf of the Issuer, the Agreement, the bond Purchase Agreement, the Indenture and the assignment of the Note, in substantially the forms submitted to this Issuing Authority, which are hereby approved, with such changes therein not inconsistent with this Bond Legislation and not substantially adverse to the Issuer as may be permitted by the Act and approved by the Legal Officer and by the persons executing the same. The approval of such changes by the Legal Officer and such members, and that such are not substantially adverse to the Issuer, shall be conclusively evidenced by the execution of the Agreement, the Bond Purchase Agreement, the Indenture and such assignment by such persons.

The Executive and Fiscal Officer and the Clerk of the Issuer are each hereby separately authorized to take any and all actions and to execute such financing statements, election statement, certificates and other instruments that may be necessary or appropriate in the opinion of the Legal Officer and bond counsel, in order to effect the issuance of the Bond and the intent of this Bond Legislation. The Clerk of the Issuer, or other appropriate officer of the Issuer, shall certify a true transcript of all proceedings had with respect to the issuance of the Bonds, along with such information from the records of the Issuer as is necessary to determine the regularity and validity of the issuance of the Bonds.

The Bond Legislation shall constitute a part of the Indenture as therein provided and for all purposes of the Indenture, including, without limitation, application to this Bond Legislation of the provisions in the Indenture relating to amendment, modification and supplementation, and provisions for severability.

**SECTION 12.** Public Inspection of Documents. Two (2) copies of the Loan Agreement, Trust Indenture, Bond Purchase Agreement, Open-End Mortgage and Security Agreement, Guaranty Agreement and form of the Economic Development First

Mortgage Revenue Bonds (Indianapolis Heliport Corporation Project) are on file in the office of the Clerk of the City-County Council for public inspection.

**SECTION 13. Compliance with IRC Section 103(k).** For purposes of complying with Section 103(k) of the code the Issuing Authority hereby approves the issuance of the bonds in the maximum aggregate principal amount of \$1,600,000 and the construction, installation and equipping of the Project consisting of a commercial heliport and related facilities, to be located at 51 South New Jersey Street, in the City of Indianapolis, Indiana, for use by the Borrower as owner.

**SECTION 14. Effective Date.** This Bond Legislation shall be in full force and effect from and after compliance with procedure required by Indiana Code 36-3-4-14.

PROPOSAL NO. 612, 1984. This proposal changes parking controls on a portion of Indianola Avenue. Councillor Gilmer explained that the parking restrictions were initially installed in 1977 after abutting property owners complained of Broad Ripple High School students parking on this street and over the years the problem has disappeared. Councillor Gilmer moved, seconded by Councillor Rhodes for adoption. Proposal No. 612, 1984, was adopted on the following roll call vote; viz:

29 AYES: *Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

Proposal No. 612, 1984, was retitled GENERAL ORDINANCE NO. 79, 1984, and reads as follows:

**CITY-COUNTY GENERAL ORDINANCE NO. 79, 1984**

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-270, Parking prohibited during specified hours on certain days.

**BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

**SECTION 1.** The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-270, Parking prohibited during specified hours on certain days, be and the same is hereby amended by the deletion of the following, to wit:

**ON ANY DAY EXCEPT  
SATURDAYS, SUNDAYS, AND HOLIDAYS  
From 8:00 a.m. to 1:00 p.m.**

Indianola Avenue, on the east side, from a point 122.43 feet north of the intersection of Sixty-first Street to Sixty-second Street; and

Indianola Avenue, on the west side, between Sixty-first Street and Sixty-second Street.

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-270, Parking prohibited during specified hours on certain days, be and the same is hereby amended by the addition of the following, to wit:

ON ANY DAY EXCEPT  
SATURDAYS, SUNDAYS, AND HOLIDAYS  
From 8:00 a.m. to 1:00 p.m.

Indianola Avenue, on both sides, from Broad Ripple Avenue to Paxton Place.

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 614, 1984. This proposal changes speed limit controls on a portion of Stop 11 Road. Councillor Gilmer stated that the abutting land use is predominately residential and the observed safe and comfortable driving speed on Stop 11 Road between East Street and Rahke Road is 35 mph. Councillor Gilmer moved, seconded by Councillor Borst for adoption. Proposal No. 614, 1984, was adopted on the following roll call vote; viz:

29 AYES: *Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

Proposal No. 614, 1984, was retitled GENERAL ORDINANCE NO. 80, 1984, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 80, 1984

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-166, Alteration of prima facie speed limit.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-166, Alteration of prima facie speed limit, be and the same is hereby amended by the addition of the following, to wit:

Stop Eleven Road, from East Street to Rahke Road, 35 MPH

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 615, 1984. This proposal changes intersection controls at Olin Avenue and 16th Street. Councillor Gilmer stated that during the time period

of January 1, 1980 to August 31, 1984, a total of 58 accidents have been reported at this intersection. Marathon Oil Company requested a signal at this corner because of the company's trucks that often use this route. The signal will be interconnected with an adjacent signal and will not adversely affect progression along 16th Street. Councillor Gilmer moved, seconded by Councillor Rader for adoption. Proposal No. 615, 1984, was adopted on the following roll call vote; viz:

26 AYES: *Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, McGrath, Miller, Nickell, Rader, Rhodes, SerVaas, Shaw, Stewart, Strader, West*  
 NO NAYS

3 NOT VOTING: *Journey, Page, Schneider*

Proposal No. 615, 1984, was retitled GENERAL ORDINANCE NO. 81, 1984, and reads as follows:

**CITY-COUNTY GENERAL ORDINANCE NO. 81, 1984**

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

**BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-92, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
23, Pg. 5	Olin Av. & W. 16th St.	W. 16th St.	STOP

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-92, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
23, Pg. 5	Olin Av. & W. 16th St.		SIGNAL

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 619, 1984. This proposal transfers \$1,500 for the replacement of two typewriters for the Perry Township Assessor. Councillor Cottingham explained that the equipment to be replaced is at least 15 years old and the lowest estimate is \$300 each to repair the typewriters. The County and Town-

ships Committee on December 4, 1984, recommended Proposal No. 619, 1984, by a vote of 5-1. Councillor Cottingham moved, seconded by Councillor Hawkins for adoption. Proposal No. 619, 1984, was adopted on the following roll call vote; viz:

22 AYES: *Borst, Bradley, Clark, Cottingham, Coughenour, Crowe, Curry, Giffin, Gilmer, Hawkins, Holmes, Journey, McGrath, Miller, Nickell, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, West*  
5 NAYS: *Boyd, Campbell, Durnil, Howard, Page*  
2 NOT VOTING: *Dowden, Strader*

Proposal No. 619, 1984, was retitled FISCAL ORDINANCE NO. 101, 1984, and reads as follows:

**CITY-COUNTY FISCAL ORDINANCE NO. 101, 1984**

A FISCAL ORDINANCE amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) transferring and appropriating One Thousand Five Hundred Dollars (\$1,500) in the County General Fund for purposes of the Perry Township Assessor and reducing certain other appropriations for that division.

**BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.03 (d)(5) of the City-County Annual Budget for 1984, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing a transfer of funds for the replacement of two typewriters.

SECTION 2. The sum of One Thousand Five Hundred Dollars (\$1,500) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

PERRY TOWNSHIP ASSESSOR	COUNTY GENERAL FUND
4. Capital Outlay	<u>\$1,500</u>
TOTAL INCREASE	<u>\$1,500</u>

SECTION 4. The said increased appropriation is funded by the following reductions:

PERRY TOWNSHIP ASSESSOR	COUNTY GENERAL FUND
2. Supplies	\$ 580
3. Other Services & Charges	<u>920</u>
TOTAL REDUCTION	<u>\$1,500</u>

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 621, 1984. This proposal transfers \$890 for the rental of equipment and changes the personnel schedule for the Superior Court - Criminal Division - Room One. Councillor Dowden stated that Judge Tranberg had pur-



(7) SUPERIOR COURT - CRIMINAL DIVISION - ROOM ONE - Dept. 51

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Elected Official	1	16,493	16,493
Court Reporters	2	17,160	34,321
Baliffs	2	14,017	28,035
Chief Clerk	1	15,813	15,813
Record Clerk	1	13,335	13,335
Master Commissioner	1	18,492	18,492
Secretary	1	14,014	14,014
Public Defenders	5	12,609	63,047
Clerk	<u>1</u>	11,840	<u>11,840</u>
<b>TOTAL</b>	<b>15</b>		<b><u>215,390</u> 214,500</b>

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 622, 1984. This proposal changes the speed limit on a portion of Forest Manor. Councillor Gilmer explained that the Committee did not feel the need to lower the speed limit from 30 mph to 25 mph but instead has requested that the police department patrol the area more frequently. The Transportation Committee on December 5, 1984, recommended to strike Proposal No. 622, 1984, by a vote of 5-0. Councillor Gilmer moved, seconded by Councillor Cottingham, to strike Proposal No. 622, 1984. Proposal No. 622, 1984, was stricken by a unanimous voice vote.

The President observed the next item on the agenda was a Fire Special Service District Council item. The City-County Council recessed until completion of the Fire Special Service District Council agenda.

SPECIAL SERVICE DISTRICT COUNCILS

FIRE SPECIAL SERVICE DISTRICT COUNCILS

The President called the Fire Special Service District Council to order at 8:32 p.m. Twenty-nine members being present, he announced a quorum.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 620, 1984. This proposal amends provisions of the Fire Merit Ordinance concerning leave for members of the Indianapolis Fire Department. Councillor Dowden explained that Proposal No. 620, amends the Fire Merit

Ordinance in accordance with agreements that were made during negotiations. The Committee did make further amendments to incorporate the civilian schedule and also prevent personnel from using personal leave for doctors appointments. The Public Safety and Criminal Justice Committee on December 5, 1984, recommended Proposal No. 620, 1984, Do Pass As Amended by a vote of 8-0. Councillor Dowden moved, seconded by Councillor Howard for adoption. Proposal No. 620, 1984, as amended, was adopted on the following roll call vote; viz:

29 AYES: Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West  
NO NAYS

Proposal No. 620, 1984, as amended, was retitled FIRE SPECIAL SERVICE DISTRICT GENERAL ORDINANCE NO. 1, 1984, and reads as follows:

FIRE SPECIAL SERVICE DISTRICT GENERAL ORDINANCE NO. 1, 1984

A FIRE SPECIAL SERVICE DISTRICT GENERAL ORDINANCE concerning leave for members of the Indianapolis Fire Department.

BE IT ORDAINED BY THE FIRE SPECIAL SERVICE DISTRICT COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 2 of Part I of Appendix A of the "Code of Indianapolis and Marion County, Indiana" is hereby amended by deleting the crosshatched words and inserting the words underlined as follows:

Sec. 2. [Annual Leave.]

(a) Each active member of the Indianapolis Fire Department hired on or before December 31, 1984 shall receive hereafter not less than twenty-one (21) consecutive calendar days' annual leave with full salary each and every fiscal year. Provided, that hereafter any active member of said fire department hired on or before December 31, 1984 who shall have served from ten (10) years to twenty (20) years on said department shall receive not less than thirty (30) consecutive calendar days' annual leave with full salary each and every fiscal year. Provided further that any active member of said department hired on or before December 31, 1984 who shall have served for more than twenty (20) years shall be entitled to one additional duty day ~~to be added to his regular annual leave~~ to be added to his regular annual leave. Annual leave shall be taken within the calendar year in which it is accumulated; however, at the discretion of the chief of the fire department, up to a maximum of ~~thirty (30) consecutive calendar days~~ thirty (30) consecutive calendar days of earned annual leave may be carried over from one calendar year to the next calendar year, provided the chief of the fire department retains the right to schedule such carryover annual leave at his discretion in order to maintain the efficiency of the operation of the fire department.

(b) Each active member of the Indianapolis Fire Department hired after December 31, 1984 shall receive hereafter not less than fifteen (15) consecutive calendar days' annual leave with full salary each and every fiscal year. Provided, that hereafter any active member of said fire department hired after December 31, 1984 who shall have served seven (7) continuous years but less than fifteen (15) continuous years on said department shall receive not less than twenty-one consecutive calendar years' annual leave with full salary each and every fiscal year. Provided further that any active member of said department hired after December 31, 1984 who shall have served fifteen (15) or more continuous years on said department shall receive not less than thirty (30) consecutive calendar days' annual leave. Annual leave shall be taken within the calendar year in which it is accumulated; however, at the discretion of the chief of the fire department, up to a maximum of thirty-nine (39) consecutive calendar days of earned annual leave may be carried over from one calendar year to the next calendar year, provided the chief of the fire department retains the right to schedule such carryover annual leave at his discretion in order to maintain the efficiency of the operation of the fire department. Upon separation of employment by reason of death, or retirement under circumstances such that the employee would be eligible for retirement under State law, or in the event of layoff, if such layoff was anticipated to last longer than six (6) months, an employee will be entitled to compensation for accumulated vacation leave at his or her daily rate of compensation.

SECTION 2. Section 3 of Part I of Appendix A of the "Code of Indianapolis and Marion County, Indiana" is hereby amended by inserting the words underlined as follows:

Sec. 3. Sick leave.

(a) Any active member of the Indianapolis Fire Department hired on or before December 31, 1984 who shall suffer accident or injury while in line of duty or who shall suffer illness and be thereby rendered unable to perform the duties of his employment as certified by the police and fire medical clinic as provided by contract with the department of public safety, shall be entitled to sick leave with full pay for the period of such incapacity, should the duration of incapacity be less than ninety (90) consecutive calendar days. Any such active member remaining incapacitated after ninety (90) consecutive calendar days may be compensated at the discretion of the fire merit board.

(b) Any active member of the Indianapolis Fire Department hired after December 31, 1984 shall receive sick leave as follows:

1. "On-duty injury." Any active member of the Indianapolis Fire Department hired after December 31, 1984 who is unable to perform the duties of his/her employment by reason of sickness, accident or injury incurred in the line of duty as certified by the Police and Fire medical clinic as provided by contract with the Department of Public Safety, or another medical doctor approved by the Department, shall be entitled to sick leave with full pay for the period of such incapacity; however, such sick leave period shall not exceed ninety (90) consecutive calendar days.

2. "Non-duty injury."

(i) "Definitions."

(a) "Sick leave" shall mean time off granted a firefighter whose illness, accident, injury or disability prevents him/her from performing duties directed by the Department. Sick leave is intended to provide relief from loss of pay in cases of absence from work due to established incapacity to perform assigned duties, as defined and directed by the Department, but is not to be regarded as an optional leave right.

- (b) "Reasonable evidence" shall mean a certificate from a medical doctor licensed to practice medicine and employed by the Police and Fire medical clinic or another medical doctor approved by the Department that the subject firefighter is incapable of performing assigned duties as defined and directed by the Department. Before granting or continuing sick leave with pay, the Department may require evidence that the employee is actually sick or disabled.
- (ii) "Accrual."
- (a) Upon commencement of employment, firefighters shall have a bank of ninety-six (96) hours of sick leave for non-duty illnesses, accidents or injuries. Upon the completion of one (1) year of employment, firefighters shall accrue sick leave at the rate of eight (8) hours per month, ninety-six (96) hours per year.
- (b) Those firefighters show are starting to work on or before the 15th day of the month shall have their account credited with a full month's accrual of sick time on the first day of the month following the month in which they were hired.
- (c) Those firefighters who are starting to work on or after the 16th day of the month shall have their account credited with a full month's accrual of sick time on the first day of the second month after they were hired.
- (d) The firefighter must work a month before any time can be credited to his/her account.
- (e) Sick leave time will only accrue if a firefighter works or is paid for more than one-half (1/2) the month, provided however, no firefighter shall continue to accrue sick leave or other fringe benefits while receiving pension disability payments.
- (iii) "Unearned leave." Sick leave cannot be used prior to accrual and cannot be earned while on any leave without pay status.
- (iv) "Justification." The burden of proof rests with the firefighter to convince the Department that sick leave is justifiable. The Department may require a medical certificate or other evidence of illness as requested. Sick leave is only to be used for personal illness or injury.
- (v) "Sick leave abuse." In the case of sick leave abuse, the Department may designate such leave as vacation leave, leave without pay, or as grounds for disciplinary action, including dismissal.
- (vi) "Separation form employment." Accrued sick leave will not be paid upon termination, except as follows: Upon separation from employment by reason of death, ore retirement under circumstances such that the employee would be eligible for retirement benefits under State law, or in the event of a layoff, if such layoff was anticipated to last longer than six (6) months, an employee will be entitled to compensation or accrued accumulated sick leave at one-half (1/2) his or her regular daily rate of compensation.
- (vii) "Charging sick leave." Sick leave may only be taken in eight (8) hour increments; provided, that those firefighters who work on a twenty-four (24) hour on/forty-eight (48) hour off shift, may only take sick leave in twenty-four (24) hour increments.
- (viii) "Carryover." Accrued sick leave may be carried over from year to year.

(ix) "Accrual of other paid leave." Vacation days shall accrue to firefighters while on paid sick leave.

3. "Compliance with Departmental Policy." All sick leaves due to sicknesses, accidents and injuries must comply with Departmental rules, regulations, orders and standard operating procedures.

**SECTION 3.** Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the council in adopting this ordinance. To this end the provisions of this ordinance are severable.

**SECTION 4.** This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

There being no further business, the Fire Special Service District Council adjourned at 8:35 p.m.

President SerVaas reconvened the meeting of the City-County Council at 8:35 p.m.

#### NEW BUSINESS

A. Report by the Administration Committee on Omega Satellite Products Co.

Councillor Coughenour stated that at the December 3, 1984, meeting of the Administration Committee it was determined that on November 28, 1984, Omega Satellite Products Company had submitted to the Cable Franchise Board an amended application and that nothing is now pending for decision by the Council.

**PROPOSAL NO. 673, 1984.** This proposal sets the schedule of regular council meeting dates for the year 1985. President SerVaas stated that there is one date which is causing a problem and that there are several changes the must be made to correct this problem. President SerVaas asked for consent to set the first Council meeting date for January 7, 1985, and postpone Proposal No. 673, 1984, until that time. Consent was given.

#### ANNOUNCEMENTS AND ADJOURNMENT

President SerVaas announced that Councillor Donald W. Miller had been reelected as Majority Leader and Councillor Lula Journey had been elected Minority Leader for 1985.

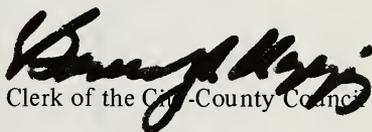
There being no further business and upon motion duly made and seconded, the meeting adjourned at 8:40 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and the Indianapolis Police, Fire and Solid Waste Special Service District Councils on the 10th day of December, 1984.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.



President



Clerk of the City-County Council

ATTEST:

(SEAL)