

JDW:naa
09/11/85

RESOLUTION NO. 717

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, APPROVING RESOLUTION NO. 85-10 OF THE BOARD OF DIRECTORS OF THE REDMOND PUBLIC CORPORATION ADOPTED ON SEPTEMBER 17, 1985, FOR THE ACCESS INVESTMENTS PROJECT.

WHEREAS, the Board of Directors of the Redmond Public Corporation (the "Public Corporation") at a special meeting on September 17, 1985 adopted its Resolution No. 85-10 stating the intent of the Public Corporation to issue approximately \$2,500,000.00 of industrial revenue bonds for the benefit of Access Investments; now, therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON HEREBY RESOLVE AS FOLLOWS:

Section 1. Resolution No. 85-10 of the Board of Directors of the Redmond Public Corporation, a copy of which is attached hereto, identified as Exhibit A, and incorporated in full by this reference is hereby approved subject to the proviso that this approval by the City Council is not a final approval authorizing the Public Corporation to issue such bonds.

Section 2. This resolution shall take effect immediately from and after its adoption.

RESOLVED this 17th day of September, 1985.

CITY OF REDMOND


MAYOR, DOREEN MARCHIONE

ATTEST/AUTHENTICATED:


CITY CLERK, DORIS A. SCHAIBLE

FILED WITH THE CITY CLERK: September 11, 1985
PASSED BY THE CITY COUNCIL: September 17, 1985
RESOLUTION NO. 717

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RESOLUTION NO. 85-10

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE REDMOND PUBLIC CORPORATION TAKING OFFICIAL ACTION WITH RESPECT TO THE ISSUANCE OF ITS NON-RECOURSE REVENUE BONDS IN THE AMOUNT OF \$2,500,000.00 FOR THE ACCESS INVESTMENTS PROJECT TO FINANCE THE CONSTRUCTION OF A WAREHOUSE/MANUFACTURING FACILITY FOR LEASING TO GENIE INDUSTRIES.

WHEREAS, pursuant to Chapter 300, Laws of Washington 1981, codified as Chapter 39.84 RCW, as amended (the "Act"), Ordinance 1060 (the "Ordinance") of the City of Redmond, Washington (the "City") and the Charter of the Redmond Public Corporation (the "Public Corporation"), the Public Corporation is authorized to issue its non-recourse revenue bonds to finance industrial development facilities (as defined in the Act) under the conditions and limitations set forth in the Act; and

WHEREAS, Robert Wilkerson, Ward Bushnell, Roger Brown and Sherman W. Bushnell (the "Applicant") d/b/a as Access Investments intend to undertake a project consisting of the construction of a 60,000 square foot structure located at 18340 N. E. Street in Redmond, Washington, fully described in Exhibit A attached hereto, (the "Project") , directly adjacent to the east of Genie Industries which shall be leasing the office and warehouse/manufacturing facility, which Project constitutes an industrial development facility under the Act; and

WHEREAS, the Board of Directors of the Public Corporation deems it advisable for the Public Corporation (i) to issue its non-recourse revenue bonds (the "Bonds") for the purpose of financing the Project and (ii) to enter into contracts and agreements with the Applicant whereunder the Applicant will provide money sufficient to pay the principal of, premium, if any, and interest on such Bonds; now, therefore,

THE BOARD OF DIRECTORS OF THE REDMOND PUBLIC CORPORATION HEREBY RESOLVES AS FOLLOWS:

Section 1. It is hereby determined that (a) the construction of the Project and its operation is an industrial development facility; (b) the issuance of up to \$2,500,000.00 principal amount of the Bonds of the Public Corporation to finance the costs of the Project, such costs presently estimated to be approximately \$2,500,000.00; and (c) the execution and delivery of such contracts and agreements with the Applicant as are necessary to provide for the payment by the Applicant of amounts sufficient to pay the principal of, premium, if any, and interest on the Bonds, together with certain costs of the Public Corporation, will all be in furtherance of the Act, the Ordinance and the Charter of the Public Corporation.

Section 2. The Public Corporation presently intends to authorize the issuance and sale of the Bonds pursuant to the provisions of the Act when and if requested to do so by the Applicant and hereby expresses its present approval of such issuance and sale. This resolution is not intended to legally bind the Public Corporation to authorize, issue or sell the Bonds.

Section 3. The authorization, issuance and sale of the Bonds by the Public Corporation contained herein are subject to the following conditions:

(a) The Bonds shall be payable solely from money received from and security provided by the Applicant;

(b) The Applicant shall enter into such contracts and agreements with the Public Corporation as shall be necessary to secure payment of the principal of, premium, if any, and interest on the Bonds as and when the same shall become due and payable:

(c) On or before two (2) years from date hereof (or such later date as shall be mutually satisfactory to the Public Corporation and the Applicant) the Public Corporation and the Applicant shall have agreed to mutually acceptable terms and conditions of the contracts and agreements referred to in Paragraph (b) of this section;

(d) The Project must be determined to be consistent with policies and objectives of the City of Redmond and must have received all necessary permits and approvals to proceed from the City;

(e) The Public Corporation shall have received a preliminary opinion of the Public Corporation's Bond Counsel that the Bonds may be issued as tax-exempt obligations pursuant to the provisions of the Internal Revenue Code of 1954, as amended, and applicable regulations thereunder.

(f) The facilities are at all times during the life of the agreement maintained by the Applicant as an industrial development facility as defined by the "Act".

(g) The Applicant agrees to pay all costs to the Corporation incurred in the issuance of the Bonds and all costs and expenses of the Corporation attributed to the Applicant by the Corporation during the term of the agreement.

Section 4. The proper officials of the Public Corporation are hereby authorized to take such further action as is necessary to carry out the intent and purposes hereof and to issue the Bonds upon the terms and conditions and for the purposes stated herein and in compliance with applicable provisions of law. Further, the Board hereby appoints the law offices of Roberts and Sheffelman and Bill Tonkin as

bond counsel for this project, the costs of which are to borne by the Applicant and hereby authorizes its general counsel and its bond counsel to proceed in negotiating and documenting the financing transaction contemplated in the application.

Section 5. It is intended that, as to the Project to be financed from the proceeds of the Bonds, this resolution shall constitute an official action of the Public Corporation, including, without limitation, the "other similar official action" referred to in Paragraph 1.103-8(a)(5)(ii) and (iii) of the federal Income Tax Regulations.

Section 6. This resolution shall be submitted to the Redmond City Council for its approval or disapproval at the next regular meeting thereof. In the event the Redmond City Council disapproves, this resolution shall become null and void and without further effect.

Section 7. This resolution, subject to the provisions of Section 6, shall take effect immediately upon its adoption.

ADOPTED by the Board of Directors of the Redmond Public Corporation at a special meeting of September 17, 1985.

REDMOND PUBLIC CORPORATION

By absent
Arnold J. Tomac, Director

By 
Roger E. Trepanier, Director

By 
John P. Vache, Director

ATTEST:


Secretary, John D. Wallace

Resolution No. 85-10