

RESOLUTION NO. _____ - 15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS, COLORADO
APPROVING THE ISSUANCE OF LIMITED TAX GENERAL OBLIGATION BONDS AND PUBLIC
IMPROVEMENTS FEE REVENUE BONDS BY THE FIRST AND MAIN NO. 2 BUSINESS
IMPROVEMENT DISTRICT

WHEREAS, the City Council approved the Special District Policy on January 24, 2006, a City Financial Policy Regarding the Use of Districts (the "Policy"), providing for certain financial and other limitations in the use of special districts as an available method in financing public infrastructure; and

WHEREAS, pursuant to the provisions of Title 31, Colorado Revised Statutes, and pursuant to proper notice having been provided as required by law, the City Council held a public hearing and approved the formation of the First and Main No. 2 Business Improvement District (the "District") by Ordinance No. 08-144 adopted on September 23, 2008; and

WHEREAS, both the Policy and the Operating Plan and Budget for the District require that prior to the District issuing bonds or similar indebtedness, it must first obtain City Council approval of the proposed issue and that City Council's review of such indebtedness ensures compliance with the Operating Plan and Budget and all applicable laws; and

WHEREAS, the District has submitted for review, and City Council has reviewed, various related debt instrument documents, including draft copies of District Bond Resolutions authorizing the District to issue debt in principal amounts up to \$1,725,000 as Public Improvement Fee Revenue Bonds and up to \$1,750,000 as Limited Tax General Obligation Bonds (Bond Documents"), a preliminary opinion of bond counsel, a preliminary opinion of the District's general counsel, and a preliminary opinion of an external financial advisor (the "Bond Documents"); and

WHEREAS, City Council considered the Bond Documents as well as all other testimony and evidence presented at the April 14, 2015 City Council meeting; and

WHEREAS, the District, having presented evidence that it has satisfied the conditions of approval and other Operating Plan and Budget prerequisites, requests approval of the issuance of indebtedness in a structure substantially similar to and consistent with the Bond Documents.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. The above and foregoing recitals are incorporated herein by reference and are adopted as findings and determinations of the City Council.

Section 2. In reliance on the information presented by the District, Council hereby finds that the issuance of indebtedness by the District in a structure substantially

similar to and consistent with the Bond Documents complies with the Operating Plan and Budget and all applicable laws.

Section 3. The Bond Documents authorizing both the Limited Tax General Obligation Bonds and the Public Improvement Fee Bonds in the principal amounts of up to \$1,750,000, and \$1,725,000 as further described in the Bond Documents is hereby approved provided, however, that the indebtedness evidenced by the Bond Documents shall be solely an obligation of the District, and the City shall have no liability or other responsibility therefore.

Section 4. The issuance of debt in a structure substantially similar to and consistent with the Bond Documents, subject to minor changes and revisions as may be approved by City staff, is hereby approved.

Section 5. The approvals contained herein shall be effective for a maximum of one (1) year from the date of this Resolution. If the District desires to issue this debt any time after April 14, 2016 a new City Council approval will be required.

Section 6. This Resolution shall be effective upon its approval by City Council.

DATED at Colorado Springs, Colorado, this 14th day of April 2015.

Keith King, Council President

ATTEST:

Sarah Johnson, City Clerk