



Lexington-Fayette Urban County Government

200 E. Main St
Lexington, KY 40507

Legislation Text

File #: 0863-18, **Version:** 1

A Resolution of the Lexington-Fayette Urban County Government approving (1) the execution and delivery by the County of Clark, Ky. of its County of Clark, Ky. Educational Development Revenue Bonds (the Lexington School Project), series 2018A, in an amount not to exceed \$10,000,000, and (2) the execution and delivery by the City of Midway, Ky. of its City of Midway, Ky. Educational Development Revenue Bonds (the Lexington School Project), series 2018B, in an amount not to exceed \$5,000,000. **Public Hearing on August 30, 2018 at 6:00 p.m.** [Council Office, Maynard]

WHEREAS, the County of Clark, Kentucky ("Clark County"), pursuant to the provisions of Section 103.200 to 103.285, inclusive, of the Kentucky Revised Statutes, as amended (the "Act"), proposes to execute and deliver, together with The Lexington School, Inc. (the "Borrower"), a non-stock, non-profit borrower organized and existing under the laws of the Commonwealth of Kentucky and exempt from federal income taxes as an organization described and designated by the Internal Revenue Service under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), its County of Clark, Kentucky Educational Development Revenue Bonds (The Lexington School Project), Series 2018A, in an amount not to exceed \$10,000,000 (the "Clark County Bonds");

WHEREAS, Clark County, pursuant to the Act, proposes to loan the proceeds of the Clark County Bonds to the Borrower, to be used to finance the costs to acquire, construct, renovate, and equip a "building" project to consist of acquiring, constructing, renovating, and equipping various educational facilities to be located on its campus at 1050 Lane Allen Road in Lexington, Kentucky, and improvements to its athletic facilities located at 2092 Lansill Road in Lexington, Kentucky (the "Project"), which will be owned and operated by the Borrower;

WHEREAS, the City of Midway, Kentucky ("Midway"), pursuant to the Act, proposes to execute and deliver, together with the Borrower, its City of Midway, Kentucky Educational Development Revenue Bonds (The Lexington School Project), Series 2018B, in an amount not to exceed \$5,000,000 (the "Midway Bonds," together with the Clark County Bonds, the "Bonds");

WHEREAS, Midway, pursuant to the Act, proposes to loan the proceeds of the Midway Bonds to the Borrower to finance the costs of the Project;

WHEREAS, Section 147 of the Code requires public approval by the governmental unit having jurisdiction over the area in which the Project is located;

WHEREAS, following duly published notice thereof, a public hearing of the Lexington-Fayette County Urban Government (the "Urban County Government") concerning the proposed execution and delivery by Clark County and Midway of the Bonds for the use and benefit of the Borrower was convened on August 30, 2018 at the Government Center, Council Chambers, 2N^d Floor, 200 East Main Street, Lexington, Kentucky, at 6:00 p.m. local time; and

WHEREAS, the Mayor presided at the hearing and called for public comment, and there being none, the hearing was closed.

NOW, THEREFORE, BE IT RESOLVED BY THE URBAN COUNTY COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1. It is hereby found, determined and declared that (i) the recitals set forth in the preamble in this Resolution, which are incorporated in this Section by reference, are true and correct, and that, upon the basis of the foregoing public hearing, the documentation submitted to the Urban County Government and other evidence, the Urban County Government by and through the Council of the Urban County Government (the "Council"), as its elected legislative body, being sufficiently advised, hereby approves the Project and the execution and delivery of the Bonds, all within the meaning of Section 147 of the Code.

Section 2. The Mayor, the Clerk of the Council and other appropriate Urban County Government officials are hereby authorized, empowered and directed for and on behalf of the Urban County Government to execute all papers, documents, certificates or other instruments that May be required for the carrying out and effectuation of the authority conferred by and the purposes of this Resolution, or to evidence said authority and purposes.

Section 3. To the extent any prior Resolution or Ordinance is in conflict with this Resolution, the provisions of this Resolution shall prevail and be given effect.

Section 4. This Resolution shall be effective on the date of its passage.

Section 5. Urban County Government Not Liable. THE BONDS SHALL NOT BE A GENERAL OBLIGATION OF THE URBAN COUNTY GOVERNMENT BUT A LIMITED OBLIGATION PAYABLE SOLELY FROM THE AMOUNTS PAYABLE UNDER THE TRUST INDENTURE AND THE LOAN AGREEMENT AND OTHER REVENUES OF THE PROJECT. NEITHER THE URBAN COUNTY GOVERNMENT, CLARK COUNTY, MIDWAY, THE COMMONWEALTH OF KENTUCKY NOR ANY OTHER POLITICAL SUBDIVISION OF THE COMMONWEALTH SHALL BE OBLIGATED TO PAY THE PRINCIPAL OF OR INTEREST ON SUCH BONDS

OR OTHER COSTS INCIDENT THERETO EXCEPT FROM THE REVENUES OF THE PROJECT PLEDGED THEREFOR. NEITHER THE FAITH AND CREDIT NOR THE TAXING POWER OF THE URBAN COUNTY GOVERNMENT, CLARK COUNTY, MIDWAY, THE COMMONWEALTH OR ANY POLITICAL SUBDIVISION OF THE COMMONWEALTH IS PLEDGED TO THE PAYMENT OF THE PRINCIPAL OF, OR PREMIUM, IF ANY, OR INTEREST ON THE BONDS OR OTHER COSTS THERETO.

PASSED URBAN COUNTY COUNCIL: August 30, 2018.

Jim Gray, Mayor

ATTEST:

Council Clerk, Lexington-Fayette Urban County Government

PUBLISHED: _____, 2018

CERTIFICATION

The undersigned certifies to be the duly appointed and acting Clerk of the Lexington-Fayette Urban County Council and that the foregoing is a true, correct, and complete copy of a Resolution duly adopted by the Urban County Council at a regular meeting held on August 30, 2018, signed by the Mayor, and now in full force and effect, and that all action taken in connection with such Resolution was in compliance with KRS 61.810, 61.815, and 61.820, all as appears from the official records of such Council in my possession and under my control.

Council Clerk, Lexington-Fayette Urban County Government

(SEAL)

Dated: _____, 2018

CERTIFICATE

I hereby certify that the title to the foregoing Resolution contains an accurate synopsis of the contents thereof and May be used to satisfy the reading and publication requirements of law.

Nicholas J. Lococo

Rubin & Hays

Kentucky Home Trust Building

450 South Third Street

Louisville, Kentucky 40202