

RESOLUTION NO. _____ - 2021

A RESOLUTION APPROVING AND AUTHORIZING A SUPPLEMENTAL ASSISTANCE AGREEMENT BETWEEN THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT AND THE KENTUCKY INFRASTRUCTURE AUTHORITY TO PROVIDE AN ADDITIONAL \$15,811,809.00 IN LOAN FUNDS FOR PHASE 2 OF THE WEST HICKMAN WET WEATHER STORAGE TANKS PROJECT.

WHEREAS, the Urban County Council (“Governing Authority”) of the Lexington-Fayette Urban County Government (“Governmental Agency”) has previously determined that it is in the public interest to acquire and construct certain facilities and improvements to the Governmental Agency’s Wastewater System (the “Project” or “Projects”) and

WHEREAS, the Governmental Agency made an application to the Kentucky Infrastructure Authority (the “Authority”) for the purpose of providing monies to construct the Project; and

WHEREAS, in order to obtain such monies, the Governmental Agency entered into an Assistance Agreement dated as of September 1, 2016 with the Authority; and

WHEREAS, in order to obtain additional monies for the Project, the Governmental Agency entered into a First Supplemental Assistance Agreement dated as of May 1, 2018 with the Authority; and

WHEREAS, since the dates of the Assistance Agreement and the First Supplemental Assistance Agreement, the Authority has agreed to provide additional monies for the Project; and

WHEREAS, in order to receive such additional monies for the Project, it is necessary for the Governmental Agency to enter into an additional Supplemental Assistance Agreement with the Authority.

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

Section 1 – That the Governing Authority hereby approves and authorizes the Supplemental Assistance Agreement between the Governmental Agency and the Authority, attached hereto and incorporated herein by reference, substantially in the form on file with the Governmental Agency for the purpose of providing the necessary financing to the Governmental Agency for Phase 2 of the West Hickman Wet Weather Storage Tanks Project.

Section 2 – That the Mayor and Urban County Council Clerk of the Governmental

Agency be and hereby are authorized, directed, and empowered to execute necessary documents or agreements and to otherwise act on behalf of the Governmental Agency to effect such financing.

Section 3 – That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

URBAN COUNTY COUNCIL CLERK

CERTIFICATE

I, the undersigned, hereby certify that I am the duly qualified and acting Urban County Council Clerk of the Lexington-Fayette Urban County Government; that the foregoing is a full, true and correct copy of Resolution No. _____, adopted by the Urban County Council of said Urban County Government at a meeting duly held on _____; that said official action appears as a matter of public record in the official records or journal of the governing authority; that said meeting was held in accordance with all applicable requirements of Kentucky law, including KRS 61.810, 61.815, 61.820 and 61.825; that a quorum was present at said meeting; that said official action has not been modified, amended, revoked or repealed and is now in full force and effect.

IN TESTIMONY WHEREOF, witness my signature this ____ day of _____, 2021.

Urban County Council Clerk