



Legislation Text

File #: RES-14:077, **Version:** 1

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO ACCEPT FUNDS FOR THE ADFA/AEDC GUARANTY PROGRAM; NORDEX USA

WHEREAS, the City of Jonesboro, Arkansas has issued the following bonds (the "Bonds"):

\$11,000,000 City of Jonesboro, Arkansas Taxable Economic Development Revenue Bonds (ADFA/AEDC Guaranty Program) (Nordex USA, Inc. Project) 2010 Series A;

\$9,000,000 City of Jonesboro, Arkansas Tax-Exempt Recovery Zone Facility Revenue Bonds (Nordex USA, Inc. Project) 2010 Series B;

\$25,000,000 City of Jonesboro, Arkansas Economic Development Revenue Bonds (Nordex USA, Inc. Project) Series C; and

WHEREAS, Nordex USA, Inc., (the "Company") as the borrower under the terms of the Trust Indentures securing the Bonds has requested that the City assist the Company in releasing the industrial facilities financed by the Bonds from the lien of the Indentures securing the Bonds; and

WHEREAS, in order to release the security for the Bonds, it is necessary that the Company provide sufficient funds to retire the Bonds; and

WHEREAS, the Company has agreed to provide such funds to Bank of the Ozarks as Trustee for the Bonds; and

WHEREAS, it will be necessary for the City to execute certain documents including a termination of the Lease Agreement between the City and the Company, a deed and a bill of sale conveying the facilities to the Company and an Escrow Deposit Agreement, between the City and the Trustee as Escrow Agent for the Bonds.

NOW THEREFORE BE IT RESOLVED THAT:

Section 1. The Mayor and City Clerk are hereby authorized to execute the Escrow Deposit Agreement, described above, to terminate the Lease Agreement, and to execute a deed and bill of sale conveying the facilities to the Company.

Section 2. The Mayor and City Clerk are hereby further authorized and directed, for and on behalf of the City, to execute all papers, documents, certificates and other instruments that may be required for the carrying out of such authority or to evidence the exercise thereof.

Section 3. All ordinances, resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

PASSED AND APPROVED this 3rd day of June, 2014.