

13R-60

MOTION TO AMEND NO. 1

I hereby move to amend Bill No. 13R-60 by accepting the attached Substitute Resolution to replace the previously provided Bill No. 13R-60.

Introduced by:

Approved as to Form and Legality:

City Attorney

Requested by: Steve Hubka, Finance Director and Lauren Wismer, Bond Counsel

Reason for Request: To indicate that the bonds are General Obligation Facility Bonds and to correctly format the resolution per Bond Counsel.

THE CITY OF LINCOLN, NEBRASKA

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF LINCOLN, NEBRASKA APPROVING THE ISSUANCE OF NOT TO EXCEED \$30,000,000 PRINCIPAL AMOUNT WEST HAYMARKET JOINT PUBLIC AGENCY GENERAL OBLIGATION FACILITY BONDS, SERIES 2013; AND RELATED MATTERS.**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINCOLN, NEBRASKA:**

Section 1. Findings and Determinations. The City Council (the “**Council**”) of The City of Lincoln, Nebraska (the “**City**”) hereby finds and determines as follows:

(a) The Council has heretofore approved the creation of the West Haymarket Joint Public Agency (the “**Agency**”) pursuant to the Joint Public Agency Agreement Creating the West Haymarket Joint Public Agency, dated as of April 1, 2010, as amended by the Amended and Restated Joint Public Agency Agreement of the West Haymarket Joint Public Agency, dated as of January 10, 2011, (together, the “**JPA Agreement**”) executed and delivered by the City and The Board of Regents of the University of Nebraska (the “**Regents**”) in accordance with the Nebraska Joint Public Agency Act (Chapter 13, Article 23, Reissue Revised Statutes of Nebraska, as amended, the “**Act**”).

(b) The Agency has been formed for the purpose of (1) constructing, equipping, furnishing and financing public facilities in the West Haymarket area of the City, including but not limited to, (A) a sports/entertainment arena (the “**Arena**”), (B) roads, streets and sidewalks, (C) a pedestrian overpass, (D) public plaza space, (E) sanitary sewer mains, (F) water mains, (G) electric transmission lines, (H) drainage systems, (I) flood control, (J) parking garages and (K) surface parking lots (collectively, the “**Facilities**”), and (2) to (A) acquire land and to relocate existing businesses, and (B) undertake environmental remediation and site preparation as necessary and appropriate for the construction, equipping, furnishing and financing of the Facilities (collectively, the “**Projects**,” and, individually, a “**Project**”), (3) issuing bonds to finance the same (the “**Bonds**”), (4) providing for the operation, maintenance and management of the Arena and related facilities, (5) collecting revenues, rents, receipts, fees, payments and other income related to the Arena, (6) levying a tax, as required and as provided by the Act and the JPA Agreement to pay the principal or redemption price of and interest on the Bonds, when and as the same shall become due; and (7) exercising any power, privilege or authority to provide for the acquisition, construction, equipping, furnishing, financing and owning such capital improvements or other projects upon or related to any of the Projects as shall be determined by the governing body of the Agency to be necessary, desirable, advisable or in the best interests of any of the Participants in the manner and as provided by the Act.

(c) The Agency has determined that it is necessary, desirable, advisable and in the best interest of the Agency and the City to issue its General Obligation Facility Bonds, Series 2013, dated the date of delivery thereof, in a principal amount not to exceed \$30,000,000 (the “**Series 2013 Bonds**”) for the purpose of (1) financing certain costs of the Projects and (2) the costs of issuing the Bonds.

(d) Article VI of the JPA Agreement provides that “the Agency shall not issue any bonds or other form of indebtedness without the question of whether the Agency should issue such bonds or indebtedness being first presented to, and approved by, the Mayor and Council of the City.”

Section 2. Approval of Issuance of Agency Bonds. The issuance of the Series 2013 Bonds in an aggregate principal amount not to exceed \$30,000,000, such Series 2013 Bonds having such additional designation (if any), principal maturities, interest rates and redemption provisions as shall be determined by the Finance Director of the City as the chief financial officer of the Agency in accordance with the terms and conditions specified in the resolution of the Agency authorizing the issuance of the Series 2013 Bonds is hereby ratified, confirmed and approved.

Section 3. Further Authority. The appropriate staff and officers of the City are authorized and directed to take all necessary steps and do such acts to execute, acknowledge and deliver all such documents as may in their discretion be deemed necessary or desirable in order to carry out or comply with the terms and provisions of this Resolution.

Section 4. Effective Date. This resolution shall take effect and be in force from and after its passage and publication according to law.

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INTRODUCED BY:

PASSED _____, **2013.**

AYES: _____

NAYS: _____

ABSENT OR NOT VOTING:

Approved as to Form:

City Attorney

Bond Counsel

CONFLICT OF INTEREST:

APPROVED: _____, **2013.**

Mayor