R-22- 253

RESOLUTION NO. _____

A RESOLUTION CONFIRMING THE CITY'S INTENT TO ISSUE BONDS FOR THE PURPOSE OF ASSISTING IN THE FINANCING OF FACILITIES THAT WILL BE USEFUL IN SECURING OR DEVELOPING INDUSTRY WITHIN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, TO BE LEASED TO CENTRAL ARKANSAS LOGISTICS CENTER LLC, ITS TENANTS, ITS BUSINESS PARTNERS, OR AFFILIATES OF ANY OF THE SAME; AND FOR OTHER PURPOSES.

WHEREAS, the City of North Little Rock, Arkansas ("the City") is authorized under the provisions of Amendment 65 to the Arkansas Constitution and the Municipalities and Counties Industrial Development Revenue Bond Law, Ark. Code Ann. §§ 14-164-201 *et seq*. ("the Act"), to own, acquire, construct, equip, and lease facilities to secure and develop industry and to assist in the financing thereof by the issuance of bonds payable from the revenues derived from such facilities; and

WHEREAS, Central Arkansas Logistics Center LLC, its tenants, its business partners, or affiliates of any of the same (collectively, "the Company") have evidenced their interest in financing the acquisition of land and/or leasehold rights, construction of infrastructure and improvements, and acquisition and installation of equipment related to one or more warehouse distribution facilities to be located on approximately 97 acres encompassing a portion of Lot 3 of the Tulip Farms Addition on Highway 70 (the "Project") through the issuance of bonds under the authority of the Act; and

WHEREAS, the City desires to assist the Company in order to secure and develop industry within the City, and to aid in the financing thereof under the provisions of the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That the City and the Company desire to cooperate in the acquisition, constructing, and equipping of the Project and to have the costs of the Project financed from the proceeds of revenue bonds of the City ("the Bonds") to be issued pursuant to the Act in an aggregate principal amount now estimated not to exceed $150,000,000.00. The Bonds may be issued in different series to reflect the underlying business arrangements between Central Arkansas Logistics Center LLC and its tenants or business partners, including, but not limited to, the lease of the real estate and building to Central Arkansas Logistics Center LLC with a sub-lease to third-party tenants and the lease of personal property to those third party tenants. Alternatively, business partners may request the purchase of separately developed warehouse distribution facilities, and tax abatement would be provided directly to such business partners. The City confirms its intent to issue Bonds for the purposes stated in this Resolution. All proceedings in connection with the issuance of the Bonds shall be consistent with the requirements of the Act. All references contained herein to the issuance of the Bonds shall be subject to compliance with the formalities of the Act when the facts required to do so are determined.

SECTION 2. That the City and the Company recognize that under the Arkansas Constitution and decisions of the Supreme Court of Arkansas and in accordance with Ark. Code Ann. §§ 14-164-701 *et seq.*, the Project may be exempt from ad valorem taxation. The City confirms its intent to enter into one or more Agreements for Payments in Lieu of Taxes ("PILOT Agreements") with Central Arkansas Logistics Center LLC and its tenants or business partners or any affiliate of any of them, providing for payments in lieu of a portion of the ad valorem taxes that would otherwise be levied by local public bodies with taxing authority. Based on the information available to the City and the Company as of the date of adoption of this Resolution, each intend that the PILOT Agreements will provide for an abatement of 65% percent of the ad valorem taxes that would otherwise be due with respect to the Project. Further, the City and Company intend that the term of the PILOT Agreements will not exceed 30 years.

SECTION 3: The final form of and terms of the PILOT Agreements shall be considered for approval by the City Council after the holding of a public hearing and compliance with the statutory notice requirements of Ark. Code Ann. §§ 14-164-701 *et seq.* at or prior to the meeting of the City Council at which the ordinance authorizing the issuance of the Bonds is considered for approval.

SECTION 4: That this Resolution shall be in full force and effect from and after its adoption.

SECTION 5: That in the event any title, section, paragraph, item, sentence, clause, phrase, or word of this Resolution is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this Resolution, which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this Resolution.

SECTION 6. All ordinances, orders or resolutions of the City in conflict herewith are hereby repealed to the extent of such conflict.

PASSED: APPROVED:

Terry C. Hartwick

Mayor Terry C. Hartwick

SPONSOR: ATTEST:

Mayor Terry C. Hartwick

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

_____

Amy Beckman Fields, City Attorney

FORMATTED BY THE OFFICE OF THE CITY ATTORNEY

FILED 10:40 A.M. __ P.M.

By Amy Fields

DATE 11/20/00

Diane Whitbey, City Clerk and Collector
North Little Rock, Arkansas

RECEIVED BY _____