



RESOLUTION 21-34

A RESOLUTION AUTHORIZING A LEASE-PURCHASE FINANCING FOR THE PURPOSE OF FINANCING COSTS RELATING TO THE CONSTRUCTION OF A NEW MAINTENANCE FACILITY FOR THE COUNTY'S ROAD AND BRIDGE DEPARTMENT; APPROVING A SITE LEASE, A LEASE PURCHASE AGREEMENT, AN ESCROW AGREEMENT AND RELATED TRANSACTION DOCUMENTS TO COMPLETE THE FINANCING AND PROVIDING PARAMETERS IN CONNECTION WITH THE FINANCING.

WHEREAS, Elbert County, Colorado (the "County"), is a duly and regularly created, organized and existing political subdivision and public body corporate of the State of Colorado (the "State"); and

WHEREAS, the County is authorized (i) by Section 30-11-101(1)(c), Colorado Revised Statutes, as amended ("C.R.S."), to purchase, sell, convey and lease, as lessor or as lessee, real and personal property and (ii) by Section 30-11-104.1, C.R.S., to enter into lease purchase agreements to provide for the financing of any county building or equipment used, or to be used, for governmental purposes provided (A) such agreements include an option for the County to acquire title to such property within a period not exceeding the useful life of such property and any improvements, but in no case exceeding thirty years, (B) the obligation of the County under the lease is only from year to year and does not constitute a mandatory charge or requirement in any ensuing budget year and (C) the obligation of the County to make payments under such lease and to pay any other charges incident to any such agreement does not constitute or give rise to an indebtedness within the meaning of any constitutional or statutory debt limitation; and

WHEREAS, the Board of County Commissioners of the County (the "Board") has determined it is in the best interests of the County and its residents that the County finance the construction of a new maintenance facility for the County's Road and Bridge Department (the "Project") by means of a lease-purchase financing; and

WHEREAS, in connection with such lease-purchase financing, the County shall convey a long-term leasehold interest in certain County-owned property (as further defined in the Site Lease defined hereafter, the "Leased Property") pursuant to a Site Lease (the "Site Lease") between the County, as lessor, and Sterling National Bank (the "Lender"), as lessee, for a lump-sum payment to the County to be determined as provided herein, and contemporaneously with the execution and delivery of the Site Lease, sublease the Leased Property back from the Lender pursuant a Lease Purchase Agreement (the "Lease Purchase Agreement") between the Lender, as sublessor, and the County, as sublessee for renewal terms not to exceed 25 years; and

WHEREAS, the County has determined that entering into the Site Lease, the Lease Purchase Agreement and the Escrow Agreement (as defined herein) is in the best interests of the County and its residents; and