RESOLUTION NO. 2016-025

RESOLUTION OF THE COUNTY COUNCIL OF WARREN COUNTY, INDIANA ESTABLISHING THE WIND FARM ECONOMIC DEVELOPMENT FUND AND THE WIND FARM EXPENSE FUND AND MAKING A RELATED APPROPRIATION

WHEREAS, Warren County, Indiana (the "County") and Jordan Creek Wind Farm, LLC (the "Company") are considering entering into an Economic Development Agreement (the "Agreement"), pursuant to which the Company will construct a wind-powered electric generating facility in the County (the "Project");

WHEREAS, pursuant to the Agreement, in consideration for the anticipated restriction of certain other new commercial development and employment in portions of the County as a consequence of the Project, the Company has agreed to make certain economic development payments to the County (the "Jordan Creek Economic Development Payments");

WHEREAS, pursuant to the Agreement, the Jordan Creek Economic Development Payments shall constitute a contribution by the Company to the furtherance of other economic development in the County and shall not constitute a payment in lieu of any tax, charge, or fee of the County or any other taxing unit;

WHEREAS, pursuant to the Agreement, the Jordan Creek Economic Development Payments shall be used by the County for the furtherance of other economic development in the County, through the construction, repair, or maintenance of roads, public safety facilities, and other infrastructure, the improvement of the park systems, the completion of economic development projects, or the payment of debt service or personnel or other operating expenses related to such roads, public safety facilities, and infrastructure and other services provided in the County, or other purposes which improve the quality of life in the County and thereby foster economic development in the County;

WHEREAS, other portions of the County may be suitable for wind-powered electric generating facilities, and the Company or other entities developing such facilities may make payments similar to the Jordan Creek Economic Development Payments to the County with respect to the development and construction of additional facilities (the Jordan Creek Economic Development Payments and any similar payments with respect to the development of additional facilities, collectively, the "Economic Developments Payments");

WHEREAS, pursuant to the Agreement, the Company will also make a payment (the "Jordan Creek Expense Payment") to the County which shall be used by the County to pay the County's legal, financial advisory, and other expenses incurred with respect to the negotiation, execution and implementation of the Agreement and the incentives and other agreements described in the Agreement (the "Jordan Creek Expenses");

WHEREAS, other portions of the County may be suitable for wind-powered electric generating facilities, and the Company or other entities developing such facilities may make payments similar to the Jordan Creek Expense Payment to the County with respect to the development and construction of additional facilities (the Jordan Creek Expense Payment and

any similar payments with respect to the development of additional facilities, collectively, the "Expense Payments"); and

WHEREAS, this Council desires to establish funds for the purpose of the deposit and expenditure of the Economic Development Payments and the Expense Payments;

WHEREAS, the Council has found that there are insufficient funds available or provided for in the existing budget and tax levy which may be applied to the Jordan Creek Expenses, and that an extraordinary emergency exists for the making of the additional appropriation hereafter set out; and

WHEREAS, notice of a hearing on said appropriation has been duly given by publication as required by law, and the hearing on said appropriation has been held, at which all taxpayers had an opportunity to appear and express their views as to such appropriation.

NOW, THEREFORE, THE COUNTY COUNCIL OF WARREN COUNTY, INDIANA RESOLVES THE FOLLOWING:

Section 1. There is hereby established two separate funds of the County to be designated as: (a) the "Warren County, Indiana Wind Farm Economic Development Fund" (the "Economic Development Fund"), into which all Economic Development Payments shall be deposited upon receipt by the County, and (b) the "Warren County, Indiana Wind Farm Expense Fund" (the "Expense Fund") into which all Expense Payments shall be deposited upon receipt by the County.

Section 2. All amounts on deposit in the Economic Development Fund shall be expended for the payment of the costs of County for the construction, repair, or maintenance of roads, public safety facilities, and other infrastructure, the improvement of the park systems, the completion of economic development projects, or the payment of personnel or other operating expenses related to such roads, public safety facilities, and infrastructure and other services provided in the County, or other purposes which improve the quality of life in the County and thereby foster economic development in the County, including related professional fees and incidental expenses, all which shall be determined by the Warren County Commissioners and the Warren County Council.

Section 3. All amounts on deposit in the Expense Fund shall be expended for the payment of legal, financial advisory, and other expenses related to the negotiation, execution and implementation of the Agreement (including the incentives and other agreements described in the Agreement) and any other agreement related to the development, construction, and implementation of wind-powered electric generating facilities in the County.

Section 4. There is hereby appropriated from the Expense Fund the sum not to exceed Eighty Thousand Dollars ($80,000) to pay the Jordan Creek Expenses. Such appropriation shall be in addition to all appropriations provided for in the existing budget and shall continue in effect until the completion of the described purposes.

Section 5. Any member of the Board of Commissioners or the County Council, the Auditor of the County, and the County Attorney are hereby authorized, empowered and directed, on behalf of the County to take any other action as such individual deems necessary or desirable to effectuate the foregoing resolutions and any actions heretofore made or taken be, and hereby are, ratified and approved.

Section 6. This Resolution shall be in full force and effect from and after its adoption by the Council.

Adopted this 26th day of September, 2016.

COUNTY COUNCIL OF
WARREN COUNTY, INDIANA

John Comer

Steve Ferguson

Steve Shedden

Richard Alan Nobbels

George Taylor

ATTEST:

Warren County Auditor

DMS RXH 4297233v1