

RESOLUTION NO. 112

A RESOLUTION of the City Council of the City of Lacey, Washington, approving the issuance of tax-exempt nonrecourse revenue bonds of the Olympia Economic Development Corporation for the benefit of Harold LeMay Enterprises, Incorporated, pursuant to RCW 39.84.060.

WHEREAS, the Legislature of the State of Washington has provided for the creation of public corporations by municipalities, including counties, pursuant to Chapter 300, Laws of Washington, 1981 (Regular Session) codified as Chapter 39.84 RCW, as amended (the "Act"), for the purpose of facilitating economic development and employment opportunities in the State of Washington; and

WHEREAS, pursuant to the Act, the Port Commission of the Port of Olympia has created and approved the charter of a development corporation, designated as the "Olympia Economic Development Corporation" (the "Development Corporation") to carry out the purposes of the Act; and

WHEREAS, the Development Corporation has received an application from Harold LeMay Enterprises, Incorporated, a Washington corporation (the "Company") for the financing of the acquisition, construction and equipping of a solid waste hauling and recycling facility (the "Project") located at 2910 Hoquum Bay Road, within the boundaries of the City of Lacey, Washington (the "City"); and

WHEREAS, the Development Corporation and its bond counsel have reviewed the application of the Company and have determined that the Project qualifies as a "solid waste facility" within the meaning of the Act; and

WHEREAS, the Development Corporation has approved the issuance of nonrecourse revenue bonds in an amount not to exceed \$8,160,000 on March 22, 1999, and

WHEREAS, the Act provides that each county, city or town within whose planning jurisdiction the Project is to be located must approve the issuance of nonrecourse revenue bonds by the Development Corporation for such Project; and

WHEREAS, the Development Corporation, as the issuer of the nonrecourse revenue bonds for the Project, has requested the approval of the City pursuant to the Act; and

WHEREAS, the City has been assured that there will be no financial liability accruing to the City as a result of such approval and that this approval shall constitute approval solely for the purpose of permitting the Development Corporation to proceed with the issuance of such nonrecourse revenue bonds;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. The City Council of the City of Lacey, Washington (the "City"), pursuant to Chapter 39.84 RCW, does hereby approve the issuance of nonrecourse revenue bonds (the "Bonds") by the Development Corporation for the purposes of financing the above-described Project under the Act

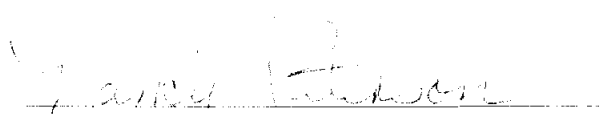
The Bonds are to be issued by the Development Corporation in the aggregate principal amount of not to exceed \$8,160,000 pursuant to a resolution of the Board of Directors of the Development Corporation and approved by the Port Commission of the Port of Olympia. The proceeds of the Bonds are to be loaned to the Company pursuant to a loan agreement, and used for the purposes of paying all or a part of the costs of industrial development facilities within the boundaries of the City.

The Bonds shall be payable solely from the Company's repayments of the loan under the loan agreement. The Bonds shall not constitute an obligation of the City, and no tax funds or other revenues of the City shall be used to pay the principal of, premium, if any, or interest on the Bonds. Neither the faith and credit nor any taxing power or revenues of the City shall ever be pledged to pay the principal of, premium, if any, or interest on the Bonds.


Section 2 This resolution is intended solely to constitute approval of the issuance of nonrecourse revenue bonds within the meaning of RCW 39.84.060. This approval shall not in any way be deemed to be a review or final approval of any development permit for the Project which may be in process, or may be submitted at a future date.

ADOPTED by the City Council of the City of Lacey, Washington, this 17 day of April, 1999.

LACEY, WASHINGTON

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk


CERTIFICATE

I, the undersigned, City Clerk of the City of Lacey, Washington (the "City"), DO  
HEREBY CERTIFY:

1. That the attached Resolution No. 802 (the "Resolution") is a true and correct copy of a resolution of the City as adopted at a meeting of the City Council of the City held on April 8, 1999 and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the City Council of the City voted in the proper manner for the adoption of the Resolution; that all other requirements and proceedings incident to the proper adoption of the Resolution have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City this 8th day of April, 1999.

  
City Clerk

[SEAL]

