

RESOLUTION NO. _____

A RESOLUTION OF INTENT TO ISSUE INDUSTRIAL DEVELOPMENT REVENUE BONDS, IN THE APPROXIMATE PRINCIPAL AMOUNT OF TWENTY-TWO MILLION DOLLARS (\$22,000,000.00), FOR THE PURPOSE OF ACQUIRING AND EQUIPPING INDUSTRIAL FACILITIES AT THE LITTLE ROCK PORT AUTHORITY ON BEHALF OF DELTA PLASTICS OF THE SOUTH, LLC, AN ARKANSAS LIMITED LIABILITY COMPANY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Little Rock, Arkansas (the "City") is authorized by the laws of the State of Arkansas, including particularly Title 14, Chapter 164, Subchapter 2 of the Arkansas Code of 1987 Annotated (the "Act"), to issue Revenue Bonds for financing the costs of acquiring, constructing and equipping industrial facilities; and,

WHEREAS, it is proposed that the City issue its Revenue Bonds under the Act for the purpose of financing an expansion to an existing industrial facility located in the Little Rock Port Authority industrial park (the "Project") for use by Delta Plastics of the South, LLC, an Arkansas Limited Liability Company (the "Company"), or any affiliate designated by the Company, or a combination of both, pursuant to a lease agreement to be entered into between the City, as lessor, and the Company and/or any such affiliate, as lessee (the Lease Agreement"); and,

WHEREAS, the Project will generally consist of an approximately 36,000 square-foot building expansion, plus additional machinery, equipment and other personal property, to be used for manufacture of new products; and,

WHEREAS, in order to secure and develop industry in furtherance of the public purpose of the Act, the City is willing to proceed with the issuance of the Bonds as and when requested by the Company, subject to compliance with all conditions set forth in the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF LITTLE ROCK, ARKANSAS:

Section 1. The City hereby states its intention to assist in the accomplishment of the Project and at such time as it may be properly called upon to do so to issue its revenue bonds to finance the same, subject to the following:

- (a) It is estimated at this time that revenue bonds in the approximate principal amount of Twenty-Two Million Dollars (\$22,000,000.00) will be issued to finance the Project. However, the

1 City's commitment is to issue Revenue Bonds under the Act in such amount for accomplishing
2 all or any part of the Project, whether that amount is more or less than the above estimate.

3 (b) The Bonds will be special obligations of the City, and in no event will they constitute an
4 indebtedness for which the faith and credit of the City or any of its revenues are pledged.

5 (c) The City will not be called upon to pay any costs or expenses incurred in connection with the
6 authorization and issuance of the bonds, and all such costs and expenses will be paid out of the
7 proceeds of the Bonds or by the Company.

8 **Section 2.** The City is informed and understands that the properties comprising the Project may be
9 exempt from ad valorem taxes. In such case, the City desires to enter into an agreement with the Company
10 for payments in lieu of taxes. The amount and other details concerning such payments will be embodied
11 in an appropriate agreement which is mutually acceptable to the Company and the City.

12 **Section 3. Severability.** In the event any title, section, paragraph, item, sentence, clause, phrase, or
13 word of this resolution is declared or adjudged to be invalid or unconstitutional, such declaration or
14 adjudication shall not affect the remaining portions of the resolution which shall remain in full force and
15 effect as if the portion so declared or adjudged invalid or unconstitutional were not originally a part of the
16 resolution.

17 **Section 4. Repealer.** All laws, ordinances, resolutions, or parts of the same, that are inconsistent
18 with the provisions of this resolution, are hereby repealed to the extent of such inconsistency.

19 **ADOPTED: October 6, 2020**

20 **ATTEST:**

APPROVED:

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23 **Susan Langley, City Clerk**

_____ **Frank Scott, Jr., Mayor**

24 **APPROVED AS TO LEGAL FORM:**

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27 **Thomas M. Carpenter, City Attorney**

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