

RESOLUTION R - 27 - 12

RESOLUTION AUTHORIZING BORROWING OF \$830,000 FROM THE WINNEBAGO COUNTY INDUSTRIAL DEVELOPMENT BOARD REVOLVING LOAN FUND FOR THE PURPOSE OF ASSISTING WITH THE EXPANSION OF ALLIANCE INDUSTRIES, INC.

WHEREAS, Winnebago County provides low interest loans to local municipal governmental units for industrial development projects; and,

WHEREAS, Alliance Industries, Inc. is interested in purchasing two existing buildings to enable the expansion of business operations in the City of Menasha; and,

WHEREAS, to make this project economically viable it is necessary for the City of Menasha to borrow money in the principal amount of \$830,000 from the IDB revolving loan fund and lend that amount to Alliance Industries, Inc. under the terms and conditions established by the Industrial Development Board for its Revolving Loan Fund; and,

WHEREAS, the City is authorized under 67.12(12), Wisconsin Statutes, to borrow money and issue promissory notes for such purpose; and,

WHEREAS, it is now necessary to execute an agreement for, authorize issuance of a promissory note, to provide details thereof and to award the note to Winnebago County for said purpose:

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Menasha, Wisconsin as follows:

Section 1. Purpose and Terms. Appropriate City officials are hereby authorized to make application for, to execute an agreement and promissory note for the borrowing of funds in the amount of \$830,000, from the Winnebago County Industrial Development Board Revolving Loan Fund for assisting Alliance Industries, Inc. with the purchase of production and office facilities at 313 and 320 Appleton Street. In accordance with the terms of the Business Loan Agreement entered into between the City and Alliance Industries, Inc. The note shall be dated the date of its delivery to Winnebago County and receipt of proceeds therefrom.

Principal shall be repaid from a mortgage executed upon the land and buildings to be purchased within the City of Menasha. Any remaining outstanding balance of the note shall mature and be payable in full five years from the date of the note.

The note shall be subject to redemption at the option of the City prior to maturity at a redemption price equal to the principal amount thereof plus accrued interest.

The note shall be payable both principal and interest, in lawful money of the United States of America at the office of the City Treasurer.

Section 2. Execution of Note. The note shall be executed by the Mayor with his manual signature, and by the City Comptroller with his manual signature, attested to by the City Clerk and sealed with the corporate seal of the City. In case any officer of the City who shall have signed or sealed any note shall cease to be such officer before the note so signed or sealed shall have actually been delivered or issued, such note may be delivered and issued with the same effect as though the person who had signed and sealed such note had not ceased to be an officer of the City.

Section 3. Lost, Destroyed or Mutilated Note. In case the note shall become mutilated, lost, stolen, or destroyed, the appropriate offices of the City, in their discretion, may issue a new note of like tenor, amount, maturity and date, and bearing the same number, in exchange and substitution for, and upon the cancellation of the mutilated note, or in lieu of and substitution for each lost, stolen, or destroyed note; instead of issuing a substitute note said officers may pay such note without surrender thereof. In every case the applicant shall furnish evidence satisfactory to said officers of the destruction, theft or loss of such note, and indemnity satisfactory to said officers.

Section 4. Source of Payment. The note shall be an obligation of the City and shall be repaid from the proceeds of a mortgage executed upon the land and buildings at 313 and 320 Appleton Street within the City of Menasha. Outstanding balance of the note at maturity shall be paid in full. The City shall further pledge its tax levying authority pursuant to Section 67.12(12) as security for the note.

Section 5. Severability. If any section, paragraph, clause or provision of this resolution shall be invalid or ineffective for any reason, the remainder of this resolution shall remain in full force and effect, it being expressly hereby found and declared that the remainder of this resolution would have been adopted by this Common Council despite the invalidity of such section, paragraph, clause or provision.

Section 6. Repeal of Conflicting Provisions and Effective Date. All orders or resolutions in conflict are hereby repealed insofar as such conflict exists, and this resolution shall take effect immediately upon its passage, the public welfare requiring it.

Adopted: _____

Approved: _____

Donald Merkes, Mayor

Attest:

Deborah Galeazzi, City Clerk