

RESOLUTION NO. 11-26

AUTHORIZING THE ENTRY BY THE CITY OF MUNCIE, INDIANA, INTO A BOT AGREEMENT AND RELATED DOCUMENTS FOR FIRE STATION #5 PROJECT AND TAKING CERTAIN OTHER ACTION RELATED THERETO

WHEREAS, Indiana Code § 5-23 (the “Act”) authorizes political subdivisions to adopt certain powers with respect to the consideration and entry into Operating Agreements and BOT Agreements (each as defined in the Act); and

WHEREAS, on July 6, 2020 the Common Council (the “Council”) of the City of Muncie, Indiana (the “City”) adopted a resolution adopting the provisions of the Act; and

WHEREAS, the City issued a Request for Proposals/Qualifications (the “RFPQ”) for the construction, financing, operation and transfer of a new fire department Project to be located in Muncie, Indiana (the “Project”);

WHEREAS, the Council has received a recommendation from the RFPQ committee to enter into a BOT Agreement with GM Development LLC (the “Developer”) to provide for the construction, operation and transfer, of a new replacement station located on or about the existing station #5 site (the “Site”), all pursuant to scoping period findings presented by the Developer to the RFPQ Committee; and

WHEREAS, pursuant to the Act, the Council has published notice of a public hearing with respect to the recommendation and, on the date hereof, has held such a public hearing and considered all public comments with respect to the recommendation; and

WHEREAS, to effect such recommendation, the City has agreed to enter into a certain public private agreement namely a BOT Agreement (the “BOT Agreement”), by and between the Developer and the City; and

WHEREAS, such BOT Agreement constitutes a BOT Agreement as defined in the Act; and

WHEREAS, the Site has been analyzed by the City and Developer, and the Project has been found to be an appropriate use of the Site; and

WHEREAS, in order to provide funds for the payment of costs of the Project and expenses associated with the BOT Agreement and the transaction contemplated thereby, the Council will consider the financing of the Project through a lease financing undertaken pursuant to Indiana Code § 36-1-10 upon the advice of the City financial advisor and City attorney; and

WHEREAS, in order to provide for the construction of the Project, it may be necessary for the City to grant a temporary easement with respect to the Project Site to the Developer pursuant to a Temporary Easement Agreement; and

WHEREAS, the Council now desires to (i) award the BOT Agreement to the Developer; and (ii) authorize the execution of the BOT Agreement and all other documents and certificates necessary or reasonably appropriate to effectuate the BOT Agreement transaction (collectively, the “Transaction Documents”), as each is negotiated, finalized, and approved by the Mayor (the “Authorized Individual”), acting in consultation with the City’s counsel and on behalf of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA AS FOLLOWS:

SECTION 1. Award. Pursuant to the Act, the Council hereby awards the BOT Agreement and the Project to the Developer pursuant to and in accordance with the terms set forth in the Transaction Documents in a form to be provided by the Developer and reviewed and approved by the Mayor and the City’s counsel. The City confirms and finds that the BOT Agreement constitutes a “BOT Agreement” under the Act.

SECTION 2. Findings. The Council hereby finds that the Project contemplated by the Transaction Documents, including the BOT Agreement, will serve the public purposes of the City and is in the best interests of the City and its residents.

SECTION 3. Authorization of Transaction Documents. The Council hereby approves the negotiation and drafting of the Transaction Documents in a form to be approved by the City attorney and the Mayor with such approval to be evidenced by their execution and delivery of such documents.

SECTION 4. Payment. The Council hereby authorizes the City financial advisor and City attorney to provide analysis, documentation and recommendations to the Council for payment of Project expenses under the Transaction Documents. The Council hereby acknowledges its intent to authorize and approving the financing of the Project through a lease financing undertaken pursuant to Indiana Code § 36-1-10.

SECTION 5. Other Actions. The Mayor and any other officers of the City are hereby authorized to take any and all actions and execute any documents or certificates that such officers deem necessary or desirable to effect the foregoing resolutions and the transactions contemplated by the BOT Agreement. Any such actions taken or documents or certificates executed and delivered are hereby ratified, confirmed, and approved.

SECTION 6. No Conflict. All ordinances, resolutions, and orders or parts thereof in conflict with the provisions of this Resolution are to the extent of such conflict hereby repealed. After the issuance of the BOT Agreement and so long as the BOT Agreement remains unpaid, except as expressly provided herein, this Resolution shall not be repealed or amended, nor shall the City adopt any law, ordinance or resolution which in any way adversely affects this Resolution.

SECTION 7. Severability. If any section, paragraph, or provision of this Resolution is held to be invalid or unenforceable for any reason, then the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this Resolution.

SECTION 8. Effectiveness. This Resolution shall be in full force and effect from and after its passage and execution by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Muncie, Delaware County, Indiana, this _____ day of _____, 2026.

	Yeas	Nays	Abstained	Absent
Jeff Green	_____	_____	_____	_____
Nora Powell	_____	_____	_____	_____
Brandon Garrett	_____	_____	_____	_____
Sara Gullion	_____	_____	_____	_____
Jerry Dishman	_____	_____	_____	_____
Harold Mason	_____	_____	_____	_____
Dale Basham	_____	_____	_____	_____
Ro Selvey	_____	_____	_____	_____
William McIntosh	_____	_____	_____	_____

President Muncie Common Council

Presented by me to the Mayor for his approval, this _____ day of _____, 2026.

Belinda Munson, Muncie City Clerk


The above resolution is approved/vetoed by me this _____ day of _____, 2026.

Dan Ridenour, Mayor of the City of Muncie

ATTEST:

Belinda Munson, Muncie City Clerk of the Common Council

This resolution is proposed by Council Member 

This resolution is approved in form by Controller 

This resolution is approved in form by Legal Counsel 