

**RESOLUTION R-2018-153
LUZERNE COUNTY COUNCIL**

A Resolution of the Luzerne County Council Amending the Resolution Approving Citi Tower, LLC's Cooperation/Indemnity Agreement for Grant Funding for the 8 West Market Street Redevelopment-Citi Tower Project, and Authorizing Luzerne County to Reimburse the Commonwealth for the Commonwealth's Share of Ineligible Costs Incurred

WHEREAS, the Commonwealth of Pennsylvania (the "Commonwealth"), through the Office of the Budget, is authorized to approve for funding projects which have been listed in a Capital Budget Project Authorization Act as Redevelopment Assistance Projects and which meet the standards established in the Capital Facilities Debt Enabling Act ("CFDEA"); and

WHEREAS, the Greater Wilkes-Barre Industrial Fund, Inc., as grantee, and Citi Tower, LLC, as Funding recipient, have requested approval for funding in the amount of three million dollars (\$3,000,000) for the project known as the 8 West Market Street Redevelopment-Citi Tower Capital Project (the "Project"); and

WHEREAS, by adoption of Resolution 2018-82, the County Council approved Citi Tower, LLC's Cooperation/Indemnity Agreement for Grant Funding for the 8 West Market Street Redevelopment-Citi Tower Project, and Authorizing Luzerne County to Reimburse the Commonwealth for the Commonwealth's Share of Ineligible Costs Incurred; and

WHEREAS, the Office of the Budget has determined that the Project meets the requirements of the CFDEA; and

WHEREAS, the Commonwealth, through the Office of the Budget, has approved the application for funding, and had issued Redevelopment Assistance Capital Grant Agreement #ME 300-1611 in the amount of three million dollars (\$3,000,000.00) to support the Project; and

WHEREAS, the Greater Wilkes-Barre Industrial Fund, Inc. and Citi Tower, LLC have agreed to comply with all applicable laws and requirements of the Office of the Budget relevant to the Project; and

WHEREAS, Luzerne County, as a local governing body, is required to approve the application for funding and Cooperation/Indemnity Agreement with the associated Project pursuant to the statutes set forth above; and

WHEREAS, the Office of the Budget of the Commonwealth requires that the host municipality, in this instance, Luzerne County, provide a commitment that it will reimburse the Commonwealth for the Commonwealth's share of any expenditures related to the Project found to be ineligible under the Redevelopment Assistance Capital Program.

WHEREAS, Luzerne County Council desires to approve the Greater Wilkes-Barre Industrial Fund, Inc.'s and Citi Tower, LLC's application for funding and support the underlying Cooperation/Indemnity Agreement for the Project for which funding was requested.

NOW, THEREFORE, BE IT RESOLVED, Luzerne County Council hereby approves the Greater Wilkes-Barre Industrial Fund, Inc.'s and Citi Tower, LLC's application for funding and Cooperation/Indemnity Agreement and supports the underlying Project for which funding was requested.

BE IT FURTHER RESOLVED that in conjunction with the expenditure of the funds by Citi Tower, LLC in connection with the Project, the County will reimburse the Commonwealth for the Commonwealth's share of any expenditure related to the Project found to be ineligible under the Grant program by the Commonwealth, if any.

BE IT FURTHER RESOLVED AND UNDERSTOOD that Citi Tower, LLC hereby agrees to reimburse the County for any monies paid by the County to the Commonwealth pursuant to this Resolution.

Effective date of this resolution shall be six (6) days after adoption.

ADOPTED this 4th day of 2018 by the Luzerne County Council.

ROLL CALL VOTE (10-0)

YES: Brominski, Haas, Houck, Kelleher, McGinley, Perry, Saidman, Schnee, Vough and Waitkus

LUZERNE COUNTY COUNCIL

By: Tim McGinley
Tim McGinley, Chair

Attest: Sharon Lawrence
Sharon Lawrence, Clerk of Council

LUZERNE COUNTY MANAGER

By: C. David Pedri
C. David Pedri, Esq., County Manager