

## RESOLUTION NO. 8-01

### **A RESOLUTION BY THE CITY OF GRAND JUNCTION ACCEPTING THE ASSIGNMENT FROM MESA COUNTY COLORADO OF A PORTION OF THEIR PRIVATE ACTIVITY BOND ALLOCATION PURSUANT TO THE COLORADO PRIVATE ACTIVITY BOND CEILING ALLOCATION ACT.**

WHEREAS, the Internal Revenue code of 1986, as amended (the "Code"), restricts the amount of tax-exempt bonds ("Private Activity Bonds") which may be issued in the State; and

WHEREAS, pursuant to the Code, the Colorado legislature adopted the Colorado Private Activity Bond Ceiling Allocation Act, Park 17 of Article 32 of Title 24, Colorado Revised Statutes (the Allocation Act"), providing for the allocation of the State Ceiling among governmental units in the State, and further providing for the assignment of such allocations from such other governmental units to any issuing authority; and

WHEREAS, pursuant to an allocation under Section 24-32-1706 of the Allocation Act, the City of Grand Junction (the "City") has an allocation of the 2001 State Ceiling for the issuance of a specified principal amount of Private Activity Bonds prior to September 15, 2001 (the "2001 Allocation"); and

WHEREAS, The City has determined that, in order to increase the availability of jobs within Grand Junction and Mesa County, it is necessary or desirable to provide for the utilization of all of the City's 2001 allocation and a portion of Mesa County's 2001 Allocation; and

WHEREAS, the City has determined that the 2001 allocation can be utilized most efficiently by combining it with part of the County's to issue Private Activity Bonds for Envision Incorporated; and

WHEREAS, the Board of County Commissioners of Mesa County has determined to assign \$1,479,475.00 of its 2001 allocation to the City of Grand Junction which assignment is to be evidenced by an Assignment of Allocation between the Mesa County and the City of Grand Junction attached hereto as Exhibit A (the "Assignment of Allocation").

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Grand Junction that:

1. The assignment to the City of Grand Junction, Colorado of \$1,479,475.00 of Mesa County's 2001 Allocation be and hereby is accepted.

2. The form and substance of the Assignment of Allocation be and hereby are approved; provided, however, that the designated official be and hereby is authorized to make such technical variations, additions or deletions in or to such Assignment of

Allocation as he shall deem necessary or appropriate and not inconsistent with the approval thereof by this resolution.

3. The City Manager hereby is authorized to execute and deliver the Assignment of Allocation on behalf of the City and take such other steps or actions as may be necessary, useful or convenient to effect the aforesaid assignment in accordance with the intent of this resolution.

4. If any section, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provision of this resolution.

**ADOPTED AND APPROVED THIS** 7th day of February, 2001.

Attest:

/s/ Gene Kinsey  
President of the Council

/s/ Stephanie Nye  
City Clerk

## ASSIGNMENT OF ALLOCATION

This Assignment of Allocation (the "Assignment"), dated this 8<sup>th</sup> day of January, 2001, is between Mesa County (the "Assignor") and the City of Grand Junction, Colorado (the "Assignee").

### WITNESSETH:

WHEREAS, the Assignor and the Assignee are authorized and empowered under the laws of the State of Colorado (the "State") to issue revenue bonds; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), restricts the amount of tax-exempt bonds ("Private Activity Bonds") which may be issued in the State (the "State Ceiling"); and

WHEREAS, pursuant to the Code, the Colorado legislature adopted the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the "Allocation Act"), providing for the allocation of the State Ceiling among the Assignee and other governmental units in the State, and further providing for the assignment of allocations from such other governmental units to the Assignee; and

WHEREAS, pursuant to an allocation under Section 24-32-1706 of the Allocation Act, the Assignor has an allocation of the 2001 State Ceiling for the issuance of a specified principal amount of Private Activity Bonds prior to September 15, 2001 (the "2001 Allocation"); and

WHEREAS, the Assignor has determined that it is necessary or desirable to provide for the utilization of all or a portion of the 2001 Allocation; and

WHEREAS, the Assignor has determined that the 2001 Allocation, or portion thereof, can be utilized most efficiently by assigning it to the Assignee to issue Private Activity Bonds ("Revenue Bonds"), and the Assignee has expressed its willingness to issue Revenue Bonds with respect to the 2001 Allocation; and

WHEREAS, the Board of Mesa County Commissioners of the Assignor has determined to assign to the Assignee \$1,479,475.00 of its 2001 Allocation, and the Assignee has agreed to accept such assignment, which is to be evidenced by this Assignment.

NOW, THEREFORE, in consideration of the premises and the mutual promises hereinafter set forth, the parties hereto agree as follows:

1. The Assignor hereby assigns to the Assignee \$1,479,475.00 of its 2001 Allocation, subject to the terms and conditions contained herein. The Assignor represents that it has received no monetary consideration for said assignment.

2. The Assignee hereby accepts the assignment to it by the Assignor of \$1,479,475.00 of Assignor's 2001 allocation, subject to the terms and conditions contained herein.

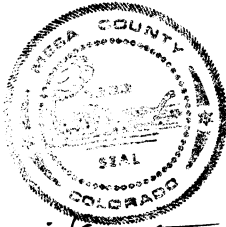
3. The Assignor hereby consents to the election by the Assignee, if the Assignee in its discretion so decides, to treat all or any portion of the assignment set forth herein as an allocation for a project with a carryforward purpose.

4. The Assignor and Assignee each agree that it will take such further action and adopt such further proceedings as may be required to implement the terms of this Assignment.

5. This Assignment of Allocation is effective upon execution and is for the purpose of combining with the City of Grand Junction's private activity bond allocation in order to issue Two Million Five Hundred Thousand Dollars (\$2,500,000) in Industrial Revenue Bonds under the City of Grand Junction's name for Envision, Incorporated. In the event said Industrial Revenue Bonds have not been authorized and issued by August 1, 2001, this Assignment of Allocation shall be deemed null and void and Mesa County's assigned allocation shall revert to Mesa County.

IN WITNESS WHEREOF, the parties hereto have duly executed this Assignment on the date first written above.

MESA COUNTY



By: Robert Jasper  
Robert Jasper, Mesa County Administrator

ATTEST:

By: Monika Todd  
Monika Todd  
Mesa County Clerk & Recorder

CITY OF GRAND JUNCTION  
COLORADO

By: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
Assistant Secretary

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