

RESOLUTION NO. 8081-R6

A RESOLUTION
AUTHORIZING THE EXECUTION AND
DELIVERY OF A MEMORANDUM OF
INTENT BETWEEN THE CITY OF URBANA
AND LEO EISENBERG & CO.
PROVIDING FOR THE ISSUANCE BY
SAID CITY OF URBANA
OF APPROXIMATELY \$2,800,000 PRINCIPAL AMOUNT
OF REVENUE BONDS PURSUANT TO PROVISIONS
OF THE ENABLING ORDINANCE, AS AMENDED.

WHEREAS, the CITY OF URBANA (the "Issuer") is authorized under the home rule provision of the Local Government Article of the 1970 Illinois Constitution and Ordinance No. 7475-3, Ordinance Authorizing Acquisition, Construction, and Financing Pollution Control Facilities and Economic Development Projects and the Lease, Sale and Financing thereof to or for any Person, and Providing for the Issuance of Revenue Bonds and Establishing Procedures in Respect thereto, passed May 20, 1974, and approved May 21, 1974, as from time to time supplemented and amended (the "Enabling Ordinance"), among other things, to construct, acquire, reconstruct, improve, better, extend, own, lease and dispose of industrial or commercial projects in order to relieve conditions of unemployment, and to encourage the increase of industry within the State of Illinois, thereby reducing the evils attendant upon unemployment; and

WHEREAS, the Issuer, in order to implement the public purposes enumerated in the Enabling Ordinance and in furtherance thereof to induce LEO EISENBERG & CO. (the "Company"), to acquire, construct, and equip a Kroger food store, including all necessary land and buildings (the "Project"), within or near the territorial limits of the Issuer, has offered to issue its revenue bonds under and pursuant to the provisions of the Enabling Ordinance and to make available the proceeds therefrom to the Company or to an entity designated by the Company; and

WHEREAS, it is now deemed advisable to authorize the execution and delivery by the Issuer of a Memorandum of Intent expressing formally and in writing the understanding heretofore informally intended upon by the Issuer and the Company:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The Mayor is hereby authorized and directed to execute a Memorandum of Intent by and between the Issuer and the Company, and the City Clerk is hereby authorized and directed to affix the seal of the City thereto and to attest the same; and said Mayor and City Clerk are hereby authorized and directed to cause said Memorandum of Intent to be delivered to, accepted and executed by the Company, said Memorandum of Intent, which is hereby approved and incorporated by reference and made a part of this authorizing resolution, to be in substantially the form attached hereto as Exhibit A.

Section 2. All resolutions and orders, or parts thereof, in conflict with the provisions of this resolution, are, to the extent of such conflict, hereby repealed and this resolution shall be in immediate effect from and after its adoption.

Section 3. Provided, however, that the Company, or any person or entity acting under this resolution and the related Memorandum of Intent, shall agree in writing to an affirmative action program to maintain specific employment practices and policies sufficient to achieve equal opportunity for all citizens regardless of race, color, creed, national origin, sex or age.

Section 4. That this resolution, and the authorization to execute and attest provided for in Section 1 hereof, shall become effective upon the last to happen of the following:

a. The passage and approval of this resolution; and

b. The annexation of the property upon which the Project is to be located to the City of Urbana, Illinois; and

c. The payment to the Issuer of the sum of \$2,500 in accordance with an annexation agreement that now exists in connection with the land upon which the Project is to be located.

This resolution is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the Members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 4th day of August, A.D. 1980.

PASSED by the City Council this 4th day of August, 1980.



Ruth S. Brookens
RUTH S. BROOKENS, City Clerk

APPROVED by the Mayor this 12th day of August, 1980.

Jeffrey T. Markland
JEFFREY T. MARKLAND, Mayor