

RESOLUTION NO. R 020 05

A RESOLUTION AUTHORIZING A LOAN OF UP TO \$250,000 TO THE CITY OF SEAFORD PURSUANT TO THE SUSSEX COUNTY GOVERNMENT ECONOMIC DEVELOPMENT STIMULUS LOAN PROGRAM

WHEREAS, 9 Delaware Code §7001 (a) confers upon the government of Sussex County (the "County") all powers which under the Constitution of the State of Delaware, it would be competent for the General Assembly to grant by specific enumeration, and which are not denied by statute (the "Home Rule Power");

WHEREAS, acting pursuant to its Home Rule Power, the Sussex County Council (the "County Council") determined that it was in the best interest of the County and its residents to create an economic development stimulus loan program (the "Loan Program").

WHEREAS, the County Council authorized such Loan Program by adoption of Ordinance No. 1666 (the "Ordinance") on March 9, 2004.

WHEREAS, the Ordinance authorized the Loan Program in order to provide loans to the cities and towns of the County in order to: (i) maintain and provide gainful employment within and for the people of the County; (ii) aid, assist and encourage economic development or redevelopment in the County; and (iii) maintain, diversify or expand employment-promoting enterprises within the County;

WHEREAS, The City of Seaford, a political subdivision within the boundaries of the County ("Seaford") has applied to the County for a loan of \$250,000 from the Loan Program;

WHEREAS, Seaford has requested the loan for certain infrastructure improvements, including water, sewer, roads and electrical service in order to provide for the development of a FedEx distribution facility and a wholesale warehouse which will serve the construction industry (the "Project");

WHEREAS, pursuant to Section 4 of the Ordinance, a committee comprised of the President of County Council, the County Administrator, the Director of Finance, the County Attorney and the Director of Economic Development (the "Review Committee") reviewed the Application; and

WHEREAS, the Review Committee made findings and determinations required by the Ordinance and recommended that County Council approve the loan to Seaford for the Project;

NOW, THEREFORE, BE IT RESOLVED:

Section 1. Title of Resolution. This Project Resolution shall be known and cited as the Sussex County Resolution Authorizing a Loan of up to \$250,000 Pursuant to the Loan Program for The City of Seaford.

Section 2. Approval of Project; Legislative Findings.

The County Council hereby approves the findings and determinations made by the Review Committee with respect to the Project and in conjunction therewith it is hereby determined and declared as a matter of legislative findings that:

(a) the Project is eligible for financial assistance and the financing thereof will provide the public benefit contemplated by the Ordinance;

(b) the Project will (i) tend to maintain or provide gainful employment opportunities within and for the people of the County; (ii) aid, assist and encourage the economic development or redevelopment of the County; and (iii) maintain, diversify or expand employment promoting enterprises within the County;

(c) the debt service will be payable from the revenues of the Project or from other sources; and

(d) the full faith and credit and taxing power of Seaford is pledged to secure this loan.

Based upon the foregoing findings and determinations the Project is hereby approved and determined to be eligible for financing by the County as provided herein.

Section 3. Definitions.

The terms used in this Project Resolution shall have the meanings specified herein or in the preamble hereto or, if not otherwise defined herein, as specified in the Ordinance, unless a different meaning is clearly indicated by the context.

Section 4. Authorization.

This Project Resolution is adopted pursuant to the Ordinance.

Section 5. Authorization of Loan Agreement.

The County shall enter into the Loan Agreement with Seaford and Seaford shall execute a Promissory Note (the "Note"), in such forms as shall be approved by the County Administrator.

Section 6. Approval, Execution and Delivery of Documents.

The County shall enter into the Loan Agreement and such other documents as the County Administrator determines to be reasonable and appropriate in connection with the loan to Seaford for the Project as authorized by this Project Resolution. The County Administrator is hereby authorized to execute and deliver in the name of the County and on its behalf the Loan Agreement and such other necessary documents in order to complete the loan to Seaford for the Project. The County Clerk is hereby authorized to affix the seal of the County and to attest to the same, if required, on the documents which the County Administrator is authorized to execute and deliver. Copies of the documents so executed, sealed, attested and delivered shall be filed in the official record of the County.

Section 7. Further Action.

The proper officers of the County are hereby authorized and directed to execute such further documents and do such further things as may be necessary or proper to carry out the intent and purpose of this Project Resolution or any document authorized herein.

Section 8. Effective Date.

This Project Resolution shall become effective upon its passage by the Council.

**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT
COPY OF RESOLUTION NO. R 020 05 ADOPTED BY THE SUSSEX COUNTY
COUNCIL ON THE 2ND DAY OF AUGUST 2005.**

**_____
ROBIN A. GRIFFITH
COUNTY CLERK**