

RESOLUTION 1847

A RESOLUTION SETTING FORTH THE INTENT OF THE CITY OF ROSWELL TO ISSUE INDUSTRIAL DEVELOPMENT REVENUE BONDS TO FINANCE A PROJECT FOR PERRY MOTOR FREIGHT, INC.

WHEREAS, Sections 3-32-1 to 3-32-16, inclusive, NMSA 1978, as amended (the "Act"), authorize each municipality to acquire industrial revenue projects to be located within, or within a fifteen-mile radius of, the municipality; and

WHEREAS, the City of Roswell, New Mexico (the "City"), desires to promote industry and trade by inducing certain manufacturing, industrial and commercial enterprises to locate and expand in the State of New Mexico, to promote the use of the agricultural products and natural resources of the State of New Mexico and to promote a sound and proper balance in the State of New Mexico between agriculture, commerce and industry; and

WHEREAS, the City specifically desires to promote industry and trade by inducing manufacturing, industrial and commercial enterprises to locate and expand in or near the City by providing projects subject to the terms and conditions required by the Act; and

WHEREAS, representatives of Perry Motor Freight, Inc. (the "Company") have met with officials of the City and have advised the City of the interest of the Company in acquiring and constructing a terminal to be located within a fifteen-mile radius of the City which will consist of a warehouse and office space and related facilities to be used and operated by the Company in connection with its shipping operations (the "Project"), subject to the willingness of the City to acquire and thereafter either sell or lease the Project to the Company; and

by the Company in connection with its shipping operations (the "Project"), subject to the willingness of the City to acquire and thereafter either sell or lease the Project to the Company; and

WHEREAS, the Council has considered the proposal and has concluded that the economic benefits to be derived therefrom by the City will be substantial; and

WHEREAS, the City's commitment to issue industrial development revenue bonds to finance the Project will constitute one of the inducements whereby the Company has determined to expand its business in the City; and

WHEREAS, the Council desires to indicate its intent to proceed with financing the Project through the issuance of such revenue bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ROSWELL, NEW MEXICO:

Section 1. In order to induce the Company to locate the Project within a fifteen-mile radius of the City, the City shall take all necessary or advisable steps to effect the issuance of industrial development revenue bonds pursuant to the Act in the maximum aggregate principal amount of \$250,000 or such lesser amount as shall be determined and agreed upon by the Company and the City to finance the Project.

Section 2. Nothing contained in this Resolution nor in any other instrument shall be considered as obligating the City to any pecuniary liability or a charge upon the general credit of the City or against its taxing power. Furthermore, it is understood that no costs are to be borne by the City with respect to the Project and the issuance and sale of such bonds except those to be paid out of the proceeds of such bonds and that the Company will promptly reimburse the City for any other expenses reasonably incurred by the City in connection with the Project and the issuance and sale of such bonds.

Section 3. 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 provisions of this Resolution.

Section 4. Prior to the execution of any necessary financing documents and agreements in connection with the Project and the issuance and sale of such bonds, such documents and/or agreements will be subject to authorization by ordinance of the City pursuant to law.

Section 5. This Resolution shall take effect immediately upon its adoption and approval.

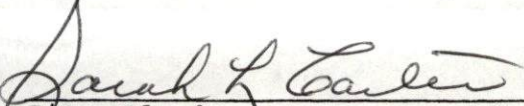
ADOPTED AND APPROVED this May 11, 1982.



Mayor

(SEAL)

Attest:



City Clerk