

**RESOLUTION 2021-26 TO EXECUTE FIFTH AMENDMENT TO LEASE BY
SCHOOL CITY OF HOBART**

WHEREAS, the Board of School Trustees of the School City of Hobart (the “Board” and the “School Corporation,” respectively), finds the following:

1. The Board has previously examined a form of Fifth Amendment to Lease (the “Fifth Amendment to Lease”), which amends a Lease dated as of August 10, 2005, as amended by a First Amendment to Lease dated as of September 3, 2009, a Second Amendment to Lease dated as of June 28, 2016, a Third Amendment to Lease dated as of September 1, 2016 and a Fourth Amendment to Lease dated as of July 23, 2020 (collectively, the “Original Lease”, together with the Fifth Amendment to Lease, the “Lease”), between the Hobart Bldg. Corp. (the “Building Corporation”) and the School Corporation, which Fifth Amendment to Lease is proposed by the Building Corporation to permit the construction of improvements to the Hobart High School, Hobart Middle School, Joan Martin Elementary School, Veterans Elementary School, Liberty Elementary School, Early Learning Center, Service Center and Administration Building consisting of renovations and improvements thereto including but not limited to paving, parking lot repair, painting, turf replacement, track/court/floor replacement, fencing repairs, stage curtain replacement/stage rigging replacement, pool repairs, HVAC/chiller/boiler repairs, elevator rebuild, playground improvements, carpeting/door improvements, roof repairs, new plow truck, erosion control, ceiling tile replacement, Johnson Control automation, and all other related improvements and including the cost of financing thereof (collectively, the “Project”), and the leasing by the School Corporation from the Building Corporation of the school buildings described in the Lease to enable the financing of the Project (herein the “Leased Premises”).
2. Notice of a hearing on the Fifth Amendment to Lease in connection with the Project was published in accordance with Indiana Code 5-3-1 and Indiana Code 20-47-3-9 in *The Times* and *Post Tribune*, and the hearing has been held in accordance with such notice.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. The Fifth Amendment to Lease with the Building Corporation, as Lessor, and the School Corporation, as Lessee, provides for a fair and reasonable rental for the Leased Premises in connection with the construction of the Project, and execution of the Fifth Amendment to Lease is necessary and wise.
2. The Secretary of the Board (or if the Secretary is not available, the President or Vice-President) is authorized and directed to initial and date a copy of the Fifth Amendment to Lease and to place it in the minute book immediately following the minutes of this meeting, and the Fifth Amendment to Lease is made a part of this resolution as if set forth herein.

3. The President and Secretary of the Board (or if the Secretary is not available, the Vice-President) are hereby authorized and directed to execute the Fifth Amendment to Lease on behalf of the School Corporation.
4. The Secretary of the Board (or if the Secretary is not available, the President or Vice-President) is hereby authorized and directed to publish and post notice of the execution of and determination to enter into the Fifth Amendment to Lease, in the form attached to this resolution, as soon as possible after the Fifth Amendment to Lease is executed, all in accordance with Indiana Code 20-47-3-11, Indiana Code 6-1.1-20-5 and Indiana Code 5-3-1.

Adopted this 17th day of June, 2021.

BOARD OF SCHOOL TRUSTEES OF SCHOOL
CITY OF HOBART

Terry D. Butler, President

Karen Robbins, Vice President

Rikki Guthrie, Secretary

Sandra J. Hillan, Member

Donald H. Rogers, Member

Frank Porras, Member

Stuart B. Schultz, Member

**NOTICE OF EXECUTION OF AND
DETERMINATION TO ENTER INTO FIFTH AMENDMENT TO LEASE**

Notice is hereby given that the Board of School Trustees of School City of Hobart (“Board” and “School Corporation”, respectively) on June 17, 2021, determined to enter into and executed on behalf of the School Corporation, a Fifth Amendment to Lease (the “Fifth Amendment to Lease”) between the School Corporation and the Hobart Bldg. Corp. (the “Building Corporation”), which amends a Lease dated as of August 10, 2005, as amended by a First Amendment to Lease dated as of September 3, 2009, a Second Amendment to Lease dated as of June 28, 2016, a Third Amendment to Lease dated as of September 1, 2016 and a Fourth Amendment to Lease dated as of July 23, 2020, each between the School Corporation and the Building Corporation. The Fifth Amendment to Lease permits the construction of improvements to the Hobart High School, Hobart Middle School, Joan Martin Elementary School, Veterans Elementary School, Liberty Elementary School, Early Learning Center, Service Center and Administration Building consisting of renovations and improvements thereto including but not limited to paving, parking lot repair, painting, turf replacement, track/court/floor replacement, fencing repairs, stage curtain replacement/stage rigging replacement, pool repairs, HVAC/chiller/boiler repairs, elevator rebuild, playground improvements, carpeting/door improvements, roof repairs, new plow truck, erosion control, ceiling tile replacement, Johnson Control automation, and all other related improvements and including the cost of financing thereof. Approval and execution of the Fifth Amendment to Lease were made following the publication of notice and a public hearing made and held in accordance with Indiana Code 20-47-3-9. The Lease rentals due under the Fifth Amendment to Lease are in excess of \$5,000. This notice is provided in accordance with the provisions of Indiana Code 20-47-3-11 and 6-1.1-20-5.

EXECUTED this 17th day of June, 2021.

BOARD OF SCHOOL TRUSTEES OF SCHOOL
CITY OF HOBART

By: Rikki Guthrie, Secretary