

Approved: September 10, 2017

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LEWES, DELAWARE, APPROVING THE CITY OF LEWES BOARD OF PUBLIC WORKS PLAN TO BORROW \$2,315,000 FROM THE DELAWARE WATER POLLUTION CONTROL REVOLVING FUND, ACTING BY AND THROUGH THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, FOR THE PURPOSE OF FINANCING THE SAVANNAH PLACE PROJECT**

**WHEREAS**, the City of Lewes Board of Public Works (the "Board") desires to undertake a project to eliminate existing wastewater disposal systems in the Savannah Place subdivision (the "Savannah Place Project"); and

**WHEREAS**, the Board received a Revised Binding Commitment Letter dated August 20, 2018 (the "Commitment Letter") from the Delaware Water Pollution Control Revolving Fund, acting by and through the Delaware Department of Natural Resources and Environmental Control ("DNREC") offering loans in the amount of \$1,682,533 and \$752,467 respectively for a new loan total of \$2,315,000, for a term of thirty (30) years, at an annualized rate of 2.0% to fund the Savannah Place Project, such loan to be secured by a revenue pledge of the Board pursuant to Section 4.14.1.1 of the Charter of the Lewes Board of Public Works, being Chapter 10, Volume 77, Laws of Delaware as amended (the "Board Charter"); and

**WHEREAS**, the Board desires to accept the DNREC loan under terms substantially similar to the terms provided in the Commitment Letter; and

**WHEREAS**, pursuant to the 4.14.1.1 of the Board Charter, the Board "shall obtain the prior consent of the Mayor and City Council" to accept the DNREC loan; and

**WHEREAS**, consistent with the Commitment Letter and the Board Charter, the Mayor and City Council of the City of Lewes desire to consent to the Board's plan to finance the Savannah Place Project with the DNREC loan, to enter into a loan agreement, or similar financing agreement (the "Loan Agreement"), with DNREC, and to issue its revenue bond to secure the same; and

**WHEREAS**, the Mayor and City Council of the City of Lewes further desire to consent to the City of Lewes Board of Public Works taking any and all actions necessary or desired to execute the Loan Agreement and any related documents with respect to the DNREC loan.

**NOW, THEREFORE, BE IT RESOVED** by the Mayor and City Council of the City of Lewes, Delaware in session met this 10th day of September 2018, that:

**Section 1.** The Mayor and City Council of the City of Lewes hereby consents to the Board taking any and all actions necessary or desired to execute a Loan Agreement, issue its revenue bond to secure the DNREC loan, and to execute any related documents, with terms substantially similar to those provided in the Commitment Letter (attached hereto as Exhibit A).

**Section 2.** This Resolution shall be effective upon its adoption by the elected members of the City Council of the City of Lewes.

I, Dennis Reardon, Secretary of the City Council of the City of Lewes, do hereby certify that the foregoing is a true and correct copy of the Resolution passed by the Mayor and City Council at its meeting on September 10, 2018 at which a quorum was present and voting throughout and the same is still in full force and effect.



Secretary of the City Council  
of the City of Lewes

Exhibit A