

RESOLUTION NO. 3-5-2026-04

A RESOLUTION OF THE TOWN COUNCIL FOR THE TOWN  
OF BRISTOL, INDIANA AWARDING A BUILD-OPERATE-  
TRANSFER TRANSACTION

WHEREAS, the Town of Bristol, Indiana (the "Town") is a political subdivision of the State of Indiana governed by its duly elected Town Council (the "Council"), which is the legislative body of the Town pursuant to Indiana Code § 36-5-2-2; and

WHEREAS, the Council, by Resolution 9-18-2025-15, previously adopted provisions of Indiana Code 5-23 (the "BOT Statute") for purposes of utilizing the build-operate-transfer procurement methods described therein; and

WHEREAS, the Town published requests for proposals and qualifications pursuant to Indiana Code 5-23-5 for the award of a public-private agreement for the design, construction, operation, and transfer of a new Bristol Street Department garage facility (the "Project"), and the Town has received submissions responsive to such requests (the "RFP Submissions"); and

WHEREAS, the Council, by Resolution 11-6-2025-16, established the Build-Operate-Transfer RFP Review Committee (the "Committee") to review and evaluate the RFP Submissions and make recommendations to the Council on an award under the BOT Statute; and

WHEREAS, the Committee proceeded through the process required by the BOT Statute in connection with the foregoing request for RFP Submissions and determined that the Council should enter into certain agreements with the selected developer, including a build-operate-transfer agreement addressing the design and construction of the Project (the "BOT Agreement"); and

WHEREAS, the development and construction of the Project by a developer, and the acquisition by the Town of the completed Project, collectively, constitute the "BOT Transaction"; and

WHEREAS, following its review of the RFP Submissions, the Committee recommended that the Council award the BOT Transaction to JBK Development LLC (the "Developer"); and

WHEREAS, not fewer than seven (7) days before the date hereof, and as required by the BOT Statute: (a) notice of the public hearing occurring on the date hereof was published in accordance with Indiana Code 5-3-1; and (b) all proposals, together with the recommendation letter, were made available for inspection and copying in accordance with Indiana Code 5-14-3; and

WHEREAS, the Council now desires to: (a) award the BOT Transaction to the Developer; (b) authorize the execution of the BOT Agreement and any other documents necessary or reasonably appropriate to close the BOT Transaction (the "Transaction Documents"), as such documents are negotiated, finalized, and approved by the Town Council President (the "Authorized Individual"), acting in consultation with Town counsel.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Bristol, Indiana meeting in a duly noticed and regularly scheduled meeting as follows:

- Section 1. The foregoing recitals are fully incorporated herein by this reference.
- Section 2. Pursuant to and in accordance with the BOT Statute, the Council hereby:
- (a) awards the BOT Transaction to the Developer; and
  - (b) confirms that the BOT Agreement shall constitute a “BOT Agreement” under the BOT Statute.
- Section 3. The Council authorizes the Authorized Individual, acting in consultation with counsel to the Town, to negotiate, finalize, and execute the Transaction Documents on behalf of the Council.
- Section 4. The Authorized Individual and the officers of Town hereby are authorized to take any and all actions, including executing and delivering any documents or certificates, that the Authorized Individual or any such officer deems to be necessary or reasonably appropriate to effect the resolutions set forth herein. Any such actions taken, including any documents or certificates executed and delivered, hereby are ratified, confirmed, and approved.
- Section 5. If any section, paragraph, or provision of this Resolution is held to be invalid or unenforceable for any reason, then the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this Resolution.
- Section 6. This Resolution shall be in full force and effect immediately upon its adoption.

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RESOLVED THIS 5TH DAY OF MARCH 2026.

TOWN COUNCIL OF THE  
TOWN OF BRISTOL, INDIANA

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Jeff Beachy, President

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Cathy Burke

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Gregg Tuholski

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Doug DeSmith

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Dean Rentfrow

ATTEST:

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Cathy Antonelli, Clerk-Treasurer