

RESOLUTION NO. R-81-14

**A RESOLUTION OF INTENT OF THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS REGARDING THE ISSUANCE OF BONDS FOR THE PURPOSE OF ASSISTING IN THE FINANCING OF AN INDUSTRIAL FACILITY TO BE LOCATED WITHIN THE CITY.**

**WHEREAS**, the City of Fort Smith, Arkansas (the “City”) is authorized under the provisions of the Municipalities and Counties Industrial Development Revenue Bond Law, Arkansas Code Annotated §§14-164-201 *et seq.* (1998 Repl. & 2013 Supp.) (the “Act”), to own, acquire, construct, reconstruct, improve, equip and lease facilities to secure and develop industry and to assist in the financing thereof by the issuance of bonds payable from the revenues derived from such facilities; and

**WHEREAS**, as defined in the Act, “industry” includes corporate and management offices for distribution facilities; and

**WHEREAS**, ArcBest Corporation, a Delaware corporation engaged in the freight transportation and logistics business, has evidenced its interest in acquiring, constructing and equipping a corporate management and administrative headquarters facility (the “Project”) to be located at Chaffee Crossing within the corporate boundaries of the City if permanent financing for the Project can be provided through the issuance of revenue bonds under the authority of the Act; and

**WHEREAS**, in order to secure and develop industry within the City in accordance with the provisions of the Act, the City desires to assist ArcBest Corporation or a subsidiary thereof (the “Company”) in the acquisition, construction and equipping of the Project through the issuance of the City’s Not to Exceed \$46,000,000 Taxable Industrial Development Revenue Bonds (ArcBest Corporation Project);

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:**

Section 1. It is the City’s present intention to assist the Company in the financing of the proposed Project through the issuance of industrial development revenue bonds under the authority of the Act. It is presently estimated by the Company that bonds in the aggregate principal amount of approximately \$46,000,000 would be required for this purpose. However, the City’s intent is to issue the bonds from time to time, pursuant to the terms of the Act, in such amount as shall be requested by the Company for accomplishing all or any part of the Project, whether or not such amount is more or less than the above estimate and whether or not the facilities and improvements finally acquired, constructed and equipped are identical to or different from the facilities presently expected to constitute the Project.

Section 2. In conjunction with any issuance of bonds to assist in the financing of the Project, the City states its intention to enter into an agreement with the Company providing for annual payments by the Company in lieu of ad valorem taxes in an amount equal to fifty percent (50%) of the aggregate amount of ad valorem taxes that would otherwise be due with respect to the Project facilities but for the City's issuance of the bonds. It is the City's present intention that (i) with respect to the Project real property, the bond financing would be in the approximate principal amount of \$30,000,000 and said bonds and the corresponding agreement for payments in lieu of ad valorem taxes would have a term of approximately twelve years, (ii) with respect to the Project personal property, the bond financing would be in the approximate principal amount of \$16,000,000 and said bonds and the corresponding agreement for payments in lieu of ad valorem taxes would have a term of approximately twelve years (except for computer equipment, which would be exempt from ad valorem taxes and subject to an agreement for payments in lieu of ad valorem taxes for approximately five to seven years, based on the expected life of such equipment). Any payment made in lieu of ad valorem taxes would be distributed to the political subdivisions which would have received ad valorem tax payments with respect to the Project facilities in the proportion that the millage levied by each affected political subdivision bears to the total millage levied by all affected political subdivisions.

Section 3. All resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. This Resolution shall be in full force and effect from and after its adoption.

ADOPTED this 15<sup>th</sup> day of July, 2014.

By: *Samuel Sande*  
Mayor

ATTEST:

By: *Sherril Gard*  
City Clerk

