

RESOLUTION 12-13193

A RESOLUTION AMENDING THE FISCAL YEAR 2012-13 BUDGET AS ADOPTED BY ORDINANCE 12-13175 TO FUND THE PAYOFF OF THE CITY OF NAPLES GENERAL OBLIGATION REFUNDING BOND SERIES 2004 RELATED TO THE NAPLES PRESERVE REFINANCING; PROVIDING NOTICE TO SUNTRUST OF THE CITY'S INTENT TO PAY OFF THE BOND EFFECTIVE OCTOBER 24, 2012; AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER THE FUNDS IN ACCORDANCE WITH THIS PAYOFF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on March 15, 2000, City Council approved Resolution 00-8795 awarding General Obligation Bonds for the acquisition of the Fleischmann property which later became known as the Naples Preserve; and

WHEREAS, on June 17, 2004, the City of Naples issued a \$3,170,000 General Obligation Refunding Bond bearing interest at a fixed interest rate of 3.84% and maturing on March 1, 2015; and

WHEREAS, SunTrust Bank was the purchaser of the bond; and

WHEREAS, in accordance with Section 11, Redemption Provisions, of Ordinance 04-10485 adopted by City Council on June 16, 2004, " Upon five (5) Business Days notice in writing, the Series 2004 Bond shall be prepayable at any time, in whole or in part, by the Issuer, without penalty or premium."; and

WHEREAS, on September 5, 2012, City Council held a Special Meeting to approve First Reading of the City's Fiscal Year 2012-2013 Budget; and

WHEREAS, it was the desire of City Council that the Naples Preserve millage rate be removed from the 2012-2013 Budget with the intent to pay off the City of Naples General Obligation Refunding Bond Series 2004 related to the Naples Preserve Refinancing; and

WHEREAS, the outstanding principal balance as of October 24, 2012 is \$1,690,000; and

WHEREAS, the outstanding interest balance as of October 24, 2012 is \$9,554.13, with per diem interest of \$180.26667 daily thereafter; and

WHEREAS, funding in the amount of \$1,699,555 is available in the Fund Balance of the General Fund which currently exceeds the maximum required threshold;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

Section 1. That the Fiscal Year 2012-2013 Budget as adopted by Ordinance 12-13175 is hereby amended to fund the payoff of the City of Naples Obligation Refunding Bond Series 2004 related to the Naples Preserve refinancing by appropriating \$1,699,555 from the Fund Balance of the General Fund and increasing the Non-Departmental Principal and Interest line items.

Section 2. That the Finance Director is hereby authorized to provide immediate notice by way of this resolution to SunTrust Bank that the City of Naples is hereby giving 5 Business Days notice, in accordance with Section 11, Redemption Provisions, of Bond Ordinance 04-10485, of its desire to prepay the 2004 General Obligation Refunding Bond.

Section 3. That the Finance Director is authorized to transfer payment to SunTrust Bank in the amount of \$1,669,554.13 on October 24, 2012 to pay off the City of Naples General Obligation Refunding Bond Series 2004 related to the Naples Preserve.

Section 4. This resolution shall take effect immediately upon adoption.

PASSED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, THIS 17TH DAY OF OCTOBER, 2012.

John F. Sorey III, Mayor

Attest:

Approved as to form and legality:

Patricia L. Rambosk, City Clerk

Robert D. Pritt, City Attorney

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Date filed with City Clerk:_____