

(21)

**RESOLUTION NO. R-97-106**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, APPROVING THE ISSUANCE OF NOT EXCEEDING \$5,000,000 MANATEE COUNTY PORT AUTHORITY BOND ANTICIPATION NOTES TO BE ISSUED TO FINANCE CERTAIN ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO PORT MANATEE WITHIN THE MEANING OF SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; AUTHORIZING THE PROPER OFFICERS OF THE COUNTY TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE FOR THIS RESOLUTION.**

**WHEREAS,** the Board of County Commissioners of Manatee County, Florida (the "Board") has determined it necessary, advisable and in the best economic interest of Manatee County, Florida (the "County"), to provide financial assistance to the Manatee County Port Authority (the "Authority") in connection with the Authority's issuance of Manatee County Port Authority Bond Anticipation Notes, Series 1997 (herein, "1997 Notes"); and

**WHEREAS,** Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires that in order for certain state and local obligations, including the 1997 Notes, to be issued in compliance with the Code, a public hearing must be held following reasonable public notice; and

**WHEREAS,** on May 20, 1997, a notice of public hearing to be held by the Board on behalf of the Authority on this date (the "Public Hearing") was published in the Bradenton Herald; and

**WHEREAS**, the Authority has made certain information regarding the 1997 Notes and the projects to be financed, in part, with the proceeds therefrom (the "1997 Projects") known to the public prior to and at the Public Hearing; and

**WHEREAS**, such Public Hearing was held on this date prior to the Board's consideration of this Resolution, where interested persons were given the opportunity to express their views on the proposed issuance by the Authority of the 1997 Notes for the purpose of financing a portion of the cost of the 1997 Projects; and

**WHEREAS**, it is intended that this Resolution shall constitute the approval of the issuance of the 1997 Notes required by Section 147(f) of the Code.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, as follows:**

**SECTION 1.** That the above recitals are hereby adopted.

**SECTION 2.** That the issuance of the 1997 Notes by the Authority is hereby approved within the meaning of Section 147(f) of the Code.

**SECTION 3.** That the Chairman and Clerk of the Board, and any other proper officials of the County, be and each of them is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by this Resolution.

**SECTION 4.** That this Resolution shall take effect upon its passage in the manner provided by law.

ADOPTED with a quorum present and voting this the 10th day of June, 1997.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

By: *Patricia A. Glass*  
Chairman

ATTEST: R. B. SHORE

By: *R. B. Shore*  
Clerk of the Circuit Court

Bradenton Herald

102 MANATEE AVE WEST, P.O. BOX 921  
BRADENTON, FLORIDA 34208  
TELEPHONE (813) 748-0411

Bradenton Herald  
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STATE OF FLORIDA  
COUNTY OF MANATEE:

Before the undersigned authority personally appeared Jill Headings, who on oath says that she is Legal Advertising Representative of the Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of

Notice of Public Hearing

\_\_\_\_\_ in the \_\_\_\_\_ Court,  
was published in said newspaper in the issues of  
5/20/97

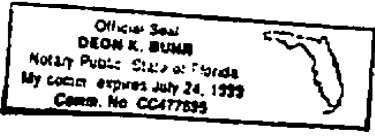
Affiant further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*Jill Headings*  
(Signature of Affiant)

Sworn to and subscribed before me this

21<sup>st</sup> day of May 19 97

*Neoni B. Burke*  
SEAL & Notary Public



Personally Known \_\_\_\_\_ or Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

**NOTICE OF PUBLIC HEARING**  
NOTICE OF PUBLIC HEARING OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA ON BEHALF OF THE MANATEE COUNTY PORT AUTHORITY IN CONNECTION WITH THE ISSUANCE BY THE MANATEE COUNTY PORT AUTHORITY OF NOT EXCEEDING \$5,000,000 ADDITIONAL PROCEEDS OF THE AUTHORITY'S REVENUE IMPROVEMENT BONDS IN ONE OR MORE SERIES AND IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS NOT EXCEEDING \$5,000,000 BOND ANTICIPATION NOTES IN ONE OR MORE SERIES FOR THE PURPOSE OF FINANCING THE COSTS OF CERTAIN ADDITIONS, EXTENSIONS, AND IMPROVEMENTS AT PORT MANATEE.

PUBLIC NOTICE is hereby given that on the 20th day of June, 1997 at 9:00 a.m. (or as soon thereafter as the same may be heard), the Board of County Commissioners of Manatee County, Florida, on behalf of the Manatee County Port Authority (herein the "Authority") will conduct a public hearing pursuant to Section 147.01 of the Internal Revenue Code of 1984, as amended, in the Board of County Commissioners' Chambers at the County Administrative Center at 1112 Manatee Avenue West, Bradenton, Florida 34208, on the proposed issuance by the Authority of its Revenue Improvement Bonds in one or more series in an initial aggregate principal amount of not exceeding \$5,000,000 (herein the "Port Bonds") and the proposed issuance by the Authority of its Bond Anticipation Notes in one or more series issued in anticipation of the issuance of the Port Bonds in an aggregate principal amount of not exceeding \$5,000,000 (herein the "Port Notes") and together with the Port Bonds, the "Port Obligations") which, together with the proceeds of the Port Bonds, will be used to finance or reimburse the costs of certain additions, extensions and improvements to the Port Facilities (as herein defined) located at Port Manatee (as herein defined), as more particularly described below.

The Authority now owns, operates and maintains a considerable part of entry known as the "Port Manatee" including docks, piers and terminal facilities, an administrative building, warehouses, docks, offices, easements, slits, roadways and parkways and other facilities, by means of which general import and export, storage and passenger cruise line berthing are conducted (herein collectively, the "Port Facilities"). The Port Facilities are located in the northeastern portion of Manatee County, Florida (the "County") at 1301 Eastman Avenue, Palmetto, Florida 34221 (an approximately 750 acre tract bounded on the East by US-90, on the South by the Gulf of Mexico, on the South by State owned land, and on the North by the Hillsborough County line).

The proceeds of the Port Obligations will be used to finance not more than one-half of the cost of acquisition, construction and equipping of any of the following additions, extensions and improvements to the Port Facilities, including all incidental costs relating thereto:

**CARGO TRANSIT WAREHOUSE AND CRUISE TERMINAL FACILITIES.** Construct a building in the vicinity of Berths 9 and 10 with a 30,000 square foot warehouse on the second floor and with 15,000 square feet of office space on the second floor. The ground floor space will consist of 15,000 square feet for a cruise terminal and warehouse and a 15,000 square foot warehouse for chilled or frozen cargo.

**BERTH 9 IMPROVEMENTS.** The existing Berth 9 with an existing dredged depth of approximately 20 feet will be dredged to a depth of approximately 40 feet and the dock and structure of said berth will be reinforced to accommodate increased depth of the adjacent waters.

**INTERMODAL CONTAINER YARD.** An area southwesterly of Berths 8 and 9 will be paved and otherwise improved with rebar steel, curbing and lighting for the movement and storage of cargo containers.

**BERTH 12 IMPROVEMENTS.** The existing Berth 12 which accommodates only shallow draft barges and other smaller vessels will be enlarged and the adjacent waters will be dredged to a depth of approximately 40 feet to accommodate larger deep draft vessels.

**COLD STORAGE WAREHOUSE.** Construct a 30,000 square foot cold storage warehouse with office utilities and access road to accommodate the movement and storage of cold or frozen cargo in an area southerly of Berth 9.

**BERTH 12 CRUISE TERMINAL.** The construction of a 25,000 square foot cruise terminal with a passenger office space, access road and office utilities in the vicinity of Berth 12 for cruise passenger operations.

**BERTH 8 CREATION.** Construct a berth north of existing Berth 8 and dredge adjacent waters to a depth of approximately 40 feet to accommodate vessels loading and unloading general and bulk cargo.

**CHANNEL DREDGING.** Widening the structure of the Port Manatee approach channel with the Tampa Bay side channel and the vessel turning basin at the Port Manatee harbor entrance together with related dredged spoil disposal sites.

**CONTAINER CRANES.** Acquire two (2) mobile container cranes for the loading and unloading of cargo containers at various berths.

The Authority will own all improvements to the Port Facilities financed with the Port Obligations. The Port Obligations will be secured by and be payable solely from port revenues of the Authority. The Port Notes will also be secured by a first lien on the proceeds of the Port Bonds and by a covenant of the County to budget and appropriate non ad valorem revenues whenever the other sources are insufficient or exhausted. The Port Obligations will not be or constitute an indebtedness of the County, the State of Florida or any political subdivision thereof within the meaning of any constitutional, statutory or other limitation of indebtedness.

As such matters, persons will be given an opportunity to express their views, both orally and through written statements, which will be submitted to the Board of County Commissioners of Manatee County at the beginning of the public hearing. For the convenience of interested persons, descriptive materials and forms showing exact local description of the various described areas will be available for inspection between the hours of 9:00 a.m. and 5:00 p.m. at the office of the Authority at 1301 Eastman Avenue, Palmetto, Florida 34221, and at the nearest location one hour before the hearing. For further information, contact Ken R. Scarborough, Director of Business and Finance, (813) 772-4621. Pursuant to Section 286.012, Florida Statutes, should any person decide to appeal any decision made by the Authority at this meeting, he or she will need a record of the proceedings and they need to ensure that a written record of the proceedings is made which may include testimony and evidence upon which the appeals may be based. This Notice is published pursuant to the requirements of Section 147.01 of the Internal Revenue Code of 1984 and Treasury Regulation Section 2.147-2. Board of County Commissioners of Manatee County, Florida on behalf of the Manatee County Port Authority 5/15/97 5/20/97