

RESOLUTION NO. 1994 - 225

DECLARATION OF OFFICIAL INTENT WITH RESPECT TO
REIMBURSEMENT OF TEMPORARY ADVANCES MADE FOR
CAPITAL EXPENDITURES TO BE MADE FROM SUBSEQUENT
BORROWINGS

WHEREAS, Treasury Regulations §150-2 (the "Reimbursement Regulations"), issued pursuant to Section 150 of the Internal Revenue Code of 1986, as amended, (the "Code") prescribes certain requirements by which proceeds of tax-exempt bonds, notes, certificates or other obligations included in the meaning of "bonds" under Section 150 of the Code ("Obligations") used to reimburse advances made for Capital Expenditures (as hereinafter defined) paid before the issuance of such Obligations may be deemed "spent" for purposes of Sections 103 and 141 to 150 of the Code and therefore, not further subject to any other requirements or restrictions under those sections of the Code; and

WHEREAS, such Reimbursement Regulations require the Issuer (as hereinafter defined) make a Declaration of Official Intent (as hereinafter defined) to reimburse any Capital Expenditure paid prior to the issuance of the Obligations intended to fund such Capital Expenditure and require that such Declaration of Official Intent be made no later than sixty (60) days after payment of the Capital Expenditure and further require that the Allocation (as hereinafter defined) of the proceeds of such Obligations to reimburse such Capital Expenditures occur no later than eighteen (18) months after the later of the date the Capital Expenditure was paid or the date the property acquired with the Capital Expenditure was placed in service, except that any such Allocation must be made no later than three years after such Capital Expenditure was paid; and

WHEREAS, the Greater Cleveland Regional Transit Authority (the "Authority") wishes to ensure compliance with the Reimbursement Regulations;

NOW, THEREFORE, be it resolved by the Board of Trustees of the Authority:

Section 1. Definitions. The following definitions apply to the terms used herein:

"Allocation" means written evidence that proceeds of Obligations issued subsequent to the payment of a Capital Expenditure are to effect the reimbursement of the Authority for such payments.

"Capital Expenditures" means any expense for an item that is properly depreciable or amortizable or is otherwise treated as a capital expenditure for purposes of the Code, as well as any costs of issuing Reimbursement Bonds.

"Declaration of Official Intent" means a written declaration that the Authority intends to fund a Capital Expenditure with an issue of Reimbursement Bonds and reasonably expects to be reimbursed from the proceeds of such an issue.

"Issuer" means either a governmental unit that is reasonably expected to issue Obligations or a governmental entity or 501(c)(3) organization that is reasonably expected to borrow funds from the actual issuer of the Obligations.

"Reimbursement" means the restoration of the Authority of money temporarily advanced from other funds of the Authority to pay for Capital Expenditures before the issuance of Obligations intended to fund such Capital Expenditures. "To reimburse" means to make such a restoration.

"Reimbursement Bonds" means Obligations that are issued to reimburse the Authority for Capital Expenditures previously paid by or for the Authority.

"Reimbursement Regulations" means Treasury Regulations §150-2 and any amendments thereto or superseding regulations, whether in proposed, temporary or final form as applicable, prescribing conditions under which the proceeds of Obligations when allocated or applied to a reimbursement will be treated as "spent" for purposes of Sections 103 and 141 to 150 of the Code.

Section 2. Declaration of Official Intent.

(a) The Authority declares that it reasonably expects that the Capital Expenditures described in Section (b) which were paid on the dates indicated, or which will be paid prior to the issuance of any Obligations intended to fund such Capital Expenditures, will be reimbursed with the proceeds of Obligations, representing a borrowing by the Authority in the maximum principal amount, for such reimbursements, of Seven Million Seven Hundred Thousand Dollars (\$7,700,000.00) and

(b) the Capital Expenditure(s) to be reimbursed are to be used for:

- Design (Preliminary and Final)
- Construction Costs, including:
 - 32B Connector Road
 - 32C Tower City/Viaduct Structures
 - 32D Civil and Track Work (Flats)
 - 32E Civil and Track Work (North Coast)
 - 32G Signaling
 - Other Professional Services

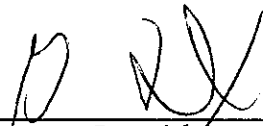
Section 3. Reasonable Expectations. The Authority does not expect any other funds (including the money advanced to make the Capital Expenditures that are to be reimbursed), to be reserved, allocated on a long-term basis, or otherwise set aside by the Authority or any other entity, with respect to the Capital Expenditures described in 2(b).

Section 4. Open Meeting. It is found and determined that all formal actions of this Board of Trustees of the Authority concerning and relating to the adoption of this resolution were adopted in an open meeting of this Board of Trustees of the Authority; and that all deliberations of this Board of Trustees of the Authority and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

The undersigned has been authorized by the Board of Trustees of the Authority to sign this resolution on behalf of the Board of Trustees of the Authority.

Section 5. That this resolution shall become effective immediately upon its adoption.

Adopted: December 20, 1994



President

Attest: 

General Manager/Secretary-Treasurer