

RESOLUTION NO. 1881

A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF ROSWELL, NEW MEXICO FOR THE ISSUANCE OF INDUSTRIAL REVENUE BONDS TO FINANCE CERTAIN INDUSTRIAL REVENUE BOND PROJECTS FOR MIDWESTERN FUEL SYSTEMS, INC., A NEVADA CORPORATION OR ITS ASSIGNEE(S) OR DESIGNEE(S).

WHEREAS, the City of Roswell, New Mexico (the "City"), is authorized and empowered under the provisions of the New Mexico Industrial Revenue Bond Act, Sections 3-32-1 to 3-32-16 N.M.S.A. 1978, inclusive, as amended (the "Act"), to issue revenue bonds for industrial development purposes; and

WHEREAS, Midwestern Fuel Systems, Inc., a Nevada corporation (the "Company"), has requested the City to finance the acquisition and construction of certain facilities for use and occupancy by the Company or its sublessee(s) at an aggregate cost of approximately \$1,750,000 each; and

WHEREAS, it is the desire of the City to finance the cost of purchasing certain tracts of land and constructing buildings and improvements thereon and equipping said buildings and improvements for ethanol production facilities by the issuance of bonds under the Act in an amount not to exceed \$3,500,000, said bonds being payable solely out of the rentals, revenues and receipts derived from the leasing and sale of said projects by the City to the Company or its said assignee(s) or designee(s); and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ROSWELL, NEW MEXICO AS FOLLOWS:

Section One: That the Governing Body of the City of Roswell, New Mexico hereby finds and determines that the projects proposed by the Company will promote industry and trade other than retail trade by inducing manufacturing, industrial and commercial enterprises to locate and expand in this state, will further promote the use of the agricultural products and natural resources of this state, and will likewise promote a sound and proper balance in this state between agriculture, commerce and industry.

Section Two: That the Governing Body of the City of Roswell, New Mexico hereby approves two industrial development projects to be carried out by Midwestern Fuel Systems, Inc., a Nevada corporation, or its assignee(s) or designee(s), to be financed in part from the issuance of industrial revenue bonds of said City in an aggregate amount not to exceed \$1,750,000 each, all pursuant to Sections 3-32-1 to 3-32-16 N.M.S.A. 1978, inclusive, as amended.

Section Three: That the Governing Body hereby agrees to issue said industrial revenue bonds of the City in an aggregate amount not to exceed \$3,500,000 in the aggregate to finance said projects, upon and subject to the terms and conditions expressed in an Ordinance of the City adopted with respect to such project. Said bonds shall not constitute an obligation of the City of Roswell nor the State of New Mexico, but shall be payable solely from the rentals, revenues and receipts derived by the City from the leasing and sale of said projects to the Company or its said assignee(s) or designee(s).


Section Four: That the City Attorney, as City Representative, and Bond Counsel selected by the Company, are hereby authorized and directed to negotiate and prepare the necessary documents to provide for the issuance of said bonds and leasing of said projects for final presentation to and action by the Governing Body of the City.

Section Five: This Resolution shall be null and void on the second anniversary of the effective date hereof, if industrial revenue bonds as described herein have not been issued prior thereto.

Section Six: This Resolution shall become effective immediately upon its passage by the Governing Body.

PASSED by the Governing Body on the 8th day of March, 1983.

SIGNED by the Mayor on the 8th day of March, 1983.



Mayor


(SEAL)

ATTEST:



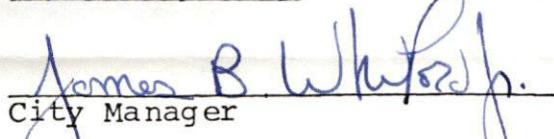
City Clerk

Approved as to form and legality this 7th day of MARCH, 1983
(prior to introduction).



City Attorney

Examined and approved for administrative purposes this 7th day of
March, 1983 (prior to introduction).



City Manager