

RESOLUTION 2026-01-03

A RESOLUTION OF THE DOWNTOWN INVESTMENT AUTHORITY (“DIA”) CONFIRMING THAT THE DPRP LOANS TO REGIONS BANK IN AN AMOUNT UP TO \$900,000.00 SHALL NOT BE SECURED BY A LIEN ON REAL PROPERTY AND RESCINDING ANY LANGUAGE TO THE CONTRARY IN DIA RESOLUTION 2023-02-02 THAT PHASE ONE OF SUCH FUNDING IN THE AMOUNT OF \$149,760.00 BE SECURED BY A SUBORDINATE LIEN ON REAL PROPERTY.

WHEREAS, pursuant to DIA Resolutions 2021-01-05, 2021-04-04, 2021-06-04, and 2022-11-08, the Downtown Investment Authority (“DIA”) entered into that certain Economic Development Agreement with Regions Bank dated June 15, 2021, as amended on May 23, 2023, (the “EDA”) pursuant to which the DIA is authorized to make up to \$900,000 of Downtown Preservation and Revitalization Program (“DPRP”) Loans in up to three (3) phases; and

WHEREAS, City Council approved the terms of the EDA pursuant to Ordinance 2021-210-E and Ordinance 2023-150-E, and included language in Section 7 of Ordinance 2021-210-E waiving the DPRP guidelines requirement that the DPRP Loans to Regions Bank be secured by a lien on real property; and

WHEREAS, the DIA has approved all three phases of the DPRP Loans to Regions Bank including (i) Phase 1 in an amount up to \$149,760.00 pursuant to Resolution 2023-02-02, (ii) Phase 2 in an amount up to \$410,000.00 pursuant to Resolution 2023-12-06, and (iii) Phase 3 in an amount up to \$340,240.00 pursuant to Resolution 2024-07-01; and

WHEREAS, Resolution 2023-02-02 approving Phase 1 of the DPRP Loans inadvertently included language that “funding under the DPRP will be secured by a stand-alone, subordinate lien position on the Property behind any senior secured, third-party lender providing construction, mini-perm, or permanent financing, as long as such subordination does not alter the DIA approved maturity date of any DPRP Loan”; and

WHEREAS, it is the intention of the DIA, consistent with the waiver in Ordinance 2021-210-E, that the DPRP Loans to Regions Bank not be secured by a lien on real property;

BE IT RESOLVED, by the Downtown Investment Authority:

Section 1. The DIA finds that the recitals set forth above are true and correct and are incorporated herein by this reference.

Section 2. The DIA hereby confirms that the DPRP Loans to Regions Bank shall not be secured any lien on the real property, and for purposes of clarity rescinds any requirement to the contrary set forth in Resolution 2023-02-02.

Section 3. The DIA hereby authorizes the CEO to proceed with the execution of all DPRP Loan documents necessary for the disbursement of eligible funds to Regions Bank consistent with this Resolution.

Section 4. The Effective Date of this Resolution is the date upon execution of the Resolution by the Chairman of the DIA Board.

WITNESS:

DOWNTOWN INVESTMENT AUTHORITY





Patrick Krechowski, Chairman

1-21-20
Date

VOTE: In Favor: 8 Opposed: 0 Abstained: 1 (PATRICK KRECHOWSKI)