

SOUTHEAST METRO STORMWATER AUTHORITY
Acting by and through
SEMSWA WATER ACTIVITY ENTERPRISE

RESOLUTION NO. 09-51
(Partial Prepayment of Loan with Colorado Business Bank)

WHEREAS, Resolution No. 6 Series of 2006 authorized SEMSWA to obtain an operating loan with Tatonka Capital Corporation in the amount of \$3,500,000; and

WHEREAS, on November 3, 2006, said loan was closed and the proceeds thereof were deposited to the account of SEMSWA; and

WHEREAS, subsequent to its issuance, the loan was assigned to Colorado Business Bank; and

WHEREAS, SEMSWA has made all payments on the loan as required by the loan agreement; and

WHEREAS, Section 3.1 of said loan agreement allows SEMSWA to prepay the loan in whole or in part on any date at a specified prepayment price plus accrued interest to the date of prepayment; and

WHEREAS, Section 3.1 of said loan agreement specifies a prepayment price of 100.9 between the third and fourth anniversary of the loan; and

WHEREAS, Section 3.3 of said loan agreement requires that notice of prepayment be give by the Authority not less than 30 days prior to the prepayment date; and

WHEREAS, the principal balance of the note is currently \$1,491,121.60; and

WHEREAS, as part of the 2010 budget process, the Board determined that prepayment in 2009 of the principal amount due on August 1, 2010, of \$726,172.01 plus accrued interest plus redemption premium is in the best interest of SEMSWA; and

WHEREAS, unspent and unencumbered appropriations currently exist for 2009 which are available for transfer from the capital improvement program category to the loan repayment category.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Directors of the Southeast Metro Stormwater Authority acting by and through SEMSWA Water Activity Enterprise approves prepayment of the loan with Colorado Business

Bank in the amount of \$726,172.01 plus accrued interest plus the prepayment premium specified in Section 3.1 of the loan agreement and authorizes the Executive Director to notify the Bank of SEMSWA's intent to prepay. Appropriations needed to make such prepayment are hereby approved for transfer from the capital improvement program category to the loan repayment category.

BE IT FURTHER RESOLVED THAT:

The Executive Director is authorized to execute any and all documents required to make the prepayment and is directed to give notice of the intent to prepay as soon as possible so that the prepayment can be made expeditiously and before the end of the current fiscal year.

SOUTHEAST METRO STORMWATER AUTHORITY
acting by and through
SEMSWA WATER ACTIVITY ENTERPRISE

Date: _____

ATTEST:

Secretary

Chairperson

APPROVED AS TO FORM:

Attorney for
Southeast Metro Stormwater Authority

By: _____
Edward J. Krisor