

Resolution BE-49

Bond Proceeds Reimbursement

Approved by the Bridge Enterprise Board of Directors November 18, 2010

WHEREAS, pursuant to SB09-108 and C.R.S. 43-4-805(2)(a)(I) the Statewide Bridge Enterprise was created as a government-owned business within the Colorado Department of Transportation (CDOT); and

WHEREAS, the business purpose of the Bridge Enterprise is to complete designated bridge projects that involve the financing, repair, reconstruction, and replacement of bridges designated as structurally deficient or functionally obsolete and rated as poor by CDOT; and

WHEREAS, the Bridge Enterprise is authorized, under C.R.S. 43-4-805(2)(b)(II) to issue revenue bonds; and

WHEREAS, the Bridge Enterprise has begun the bonding process to be ready to take advantage of favorable market conditions and advance the bridge program; and

WHEREAS, the Bridge Enterprise Board approved the Bridge Enterprise staff to take the necessary steps to prepare for a bonding program including but not limited to, hiring bond attorneys, disclosure attorneys, investment bankers, and rating agencies.

WHEREAS, the Bridge Enterprise presently intends, and reasonably expects, to issue bonds, or enter into other agreements, with respect to up to \$350 million in principal amount of obligations that qualify as "build America" or "tax exempt" obligations to finance capital expenditures for the repair, reconstruction and replacement of designated bridge projects; and

WHEREAS, the Bridge Enterprise may initially pay for such capital expenditures from the Bridge Special Fund established under C.R.S. 43-4-805(3)(a) , with the expectation that amounts paid from the Bridge Special Fund will be reimbursed from proceeds of obligations; and

NOW THEREFORE BE IT RESOLVED, that this resolution is being adopted as an "official intent" under Treasury Regulation section 1.150-2 to permit the Bridge Enterprise to reimburse itself from proceeds of obligations for capital expenditures initially paid no earlier than 60 days before the date hereof from the Bridge Special Fund, provided that such obligations are issued and the reimbursement is made (a) not later than 18 months after the later of (i) the date the first expenditure for which reimbursement is sought was paid or (ii) the date the project on which the capital expenditure is made is placed in service or abandoned; and (b) in all events no more than three years after the date the first capital expenditure for which reimbursement is sought was paid.

Herman J. Stockinger III
Herman Stockinger, Secretary
Bridge Enterprise Board of Directors

12-6-10
Date