

**RESOLUTION OF THE CITY COUNCIL**  
**OF THE CITY OF CHARLES TOWN**

A RESOLUTION DECLARING MOOT AND OF NO FURTHER EFFECT THAT ORDINANCE ENACTED MARCH 18, 2019, PERTAINING TO THE ACQUISITION AND CONSTRUCTION OF A PUBLIC SEWERAGE SYSTEM BY THE CHARLES TOWN BUILDING COMMISSION, THE LEASING OF SUCH SYSTEM TO THE CITY OF CHARLES TOWN, THE SALE, ISSUANCE AND DELIVERY OF LEASE REVENUE BONDS BY THE CHARLES TOWN BUILDING COMMISSION TO FINANCE SUCH SYSTEM, AND OTHER MATTERS IN CONNECTION THEREWITH.

**WHEREAS**, following passage on first reading conducted on July 2, 2018, a public hearing held on August 6, 2018, and passage on second and final reading conducted on March 18, 2019, an ordinance bearing the following title (the "Lease Ordinance") was duly enacted by the City Council of the City of Charles Town (the "City"):

AN ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF A PUBLIC SEWERAGE SYSTEM BY THE CHARLES TOWN BUILDING COMMISSION; AUTHORIZING THE LEASING OF SUCH PROPERTY BY THE BUILDING COMMISSION TO THE CITY OF CHARLES TOWN; APPROVING THE SALE, ISSUANCE AND DELIVERY OF NOT TO EXCEED \$16,000,000 LEASE REVENUE BONDS, SERIES 2018 A (WEST VIRGINIA INFRASTRUCTURE FUND) BY THE CHARLES TOWN BUILDING COMMISSION TO PROVIDE FUNDS TO FINANCE THE COSTS OF SUCH ACQUISITION AND DESIGN, ACQUISITION, CONSTRUCTION AND EQUIPPING AND RELATED COSTS AND EXPENSES; PRESCRIBING THE FORMS AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT AND LEASE AND OTHER INSTRUMENTS AND AUTHORIZING AND APPROVING OTHER DOCUMENTS AND MATTERS RELATING TO THE TERMS AND SECURITY OF SUCH SERIES 2018 A BONDS; AND PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION THEREWITH.

**WHEREAS**, the purpose of the Lease Ordinance was to facilitate the financing, acquisition, and construction by the Charles Town Building Commission of a sewer line extension (the “Bond-Financed Extension”) intended to serve the facility of Roxul USA, Inc. d/b/a Rockwool (“Rockwool”) situated off State Route 9 in Jefferson County and such others as might be authorized to make connections thereto;

**WHEREAS**, the City, through the Charles Town Utility Board, and Rockwool have since entered an Alternate Main Extension Agreement for Rule 5.5.h.7 Mainline Extension dated February 21, 2020, under which, among other things, Rockwool undertook to bear the expense of, and the Charles Town Utility Board undertook to acquire and construct, a sewer line extension serving the Rockwool facility as set forth in plans and specifications attached to said agreement (the “AMEA Extension”);

**WHEREAS**, the City is advised and understands that the AMEA Extension has been commenced and is approximately ninety-five percent (95%) complete; and

**WHEREAS**, the City is advised and understands that the AMEA Extension is intended to and will serve Rockwool’s facility and such others as might be authorized to make connections thereto in lieu of the contemplated Bond-Financed Extension and that the AMEA Extension eliminates any need for, or practical utility or use of, the contemplated Bond-Financed Extension; and

**WHEREAS**, the City is advised and understands that the elimination of any need for, or practical utility or use of, the Bond-Financed Extension renders imprudent, impractical, and/or impossible the acquisition, construction, and equipping of the Bond-Financed Extension, the leasing of the same by the City, and the sale and payment of any bonds contemplated to fund the financing of the Bond-Financed Extension;

**NOW, THEREFORE, BE IT RESOLVED AND ADOPTED BY THE COUNCIL OF THE CITY OF CHARLES TOWN THAT:**

Section 1. The Lease Ordinance hereby is, in its entirety and for all purposes, declared to be moot and of no further effect.

Section 2. Without limitation of the foregoing Section 1, the City hereby withdraws its approval of the Charles Town Building Commission’s: (i) undertaking of the Bond-Financed Extension pursuant to Section 2 of the Lease Ordinance; and (ii) issuance, delivery, and sale of the Series 2018 A Bonds pursuant to Sections 3 and 4 of the Lease Ordinance.

Section 3. This Resolution shall be effective immediately following adoption hereof.

*[remainder of page intentionally blank – signature page follows]*

Adopted this 15<sup>th</sup> day of March, 2021.

CITY OF CHARLES TOWN



[SEAL]

By: Robert M. Tramm  
Its: Mayor

Attest:

David H. Hensley  
City Clerk

CERTIFICATION

Certified a true, correct, and complete copy of a Resolution duly adopted by the Council of the CITY OF CHARLES TOWN on the 15<sup>th</sup> day of March, 2021.

Dated: March 29, 2021.

[SEAL]

  
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City Clerk

