

**BROOKINGS COUNTY REGIONAL RAILROAD AUTHORITY  
RESOLUTION NO. 2015-01**

A RESOLUTION APPROVING THE BROOKINGS COUNTY REGIONAL RAILROAD  
AUTHORITY TO BORROW MONEY IN RELATION TO A RAIL PROJECT IN BROOKINGS  
COUNTY, SOUTH DAKOTA

WHEREAS, Novita Aurora, LLC plans to construct an agricultural processing facility near Aurora, Brookings County, South Dakota; and

WHEREAS, Novita Aurora, LLC requires the construction of a 22,389 foot loop track to facilitate rail car storage and loading for its agricultural processing facility; and

WHEREAS, Novita Aurora, LLC has requested the Brookings County Regional Railroad Authority support their application to the State Railroad Board Loan Fund; and

WHEREAS, the Brookings County Regional Railroad Authority supports the application by Novita Aurora, LLC to the South Dakota Railroad Board to borrow an amount up to Four Million Dollars (\$4,000,000.00) for construction of the Loop Track as shown on the attached plans and specifications prepared by Civil Design, Inc.; and

WHEREAS, the South Dakota State Railroad Board will require a resolution from the Brookings County Commission, acknowledging the authority of the Brookings County Regional Railroad Authority to certify any tax levy as allowed by SDCL 49-17A-21 to be used in the event of default to pay such annual payments as may be required to service the project debt arising from the construction of the siding extension project.

NOW, THEREFORE, BE IT RESOLVED, the Brookings County Regional Railroad Authority shall and hereby does make application for a loan to the South Dakota State Railroad Board in the amount of Four Million Dollars (\$4,000,000.00) to fund the construction of the loop track to serve the Novita Aurora, LLC agricultural processing plant; and

BE IT FURTHER RESOLVED, that Novita Aurora, LLC will execute and record a second mortgage to the Brookings County Regional Railroad Authority on the land on which the railroad is built and the railroad loop in order to secure payment on the loan agreement and promissory note, prior to the loan being funded; and

BE IT FURTHER RESOLVED, that, in the event of default regarding such loan, the Brookings County Regional Railroad Authority shall certify a tax levy as allowed by SDCL 49-17A-21 to be used to pay the annual payments as may be required to service such loan; and

BE IT FURTHER RESOLVED, that the Chairperson of the Brookings County Regional Railroad Authority, \_\_\_\_\_, is hereby authorized to sign any loan documents on behalf of the Brookings County Regional Railroad Authority.

Passed, approved and adopted this \_\_\_\_\_ day of April, 2015, on a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_. Motion carried.

Voting on Motion                      Yea \_\_\_\_\_

  Nay \_\_\_\_\_

\_\_\_\_\_  
Chairperson  
Brookings County Regional Railroad Authority

ATTEST: \_\_\_\_\_