

RESOLUTION NO. 3995

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS INDICATING ITS INTENT TO PROVIDE FOR THE ISSUANCE OF OBLIGATIONS TO PROVIDE ASSISTANCE IN FINANCING A MULTIFAMILY RENTAL HOUSING PROJECT

WHEREAS, the City Council of the City of Redlands ("this City Council") is authorized pursuant to Chapter 7 (commencing with Section 52075) of Part 5 of Division 31 of the California Health and Safety Code (the "Act") to provide assistance in financing multifamily residential rental housing developments within the City of Redlands (the "City"); and

WHEREAS, Larry Deane, Joseph Cuzzupoli and Albert Trevino (the "Developer"), have requested assistance in financing the acquisition and construction of an approximately 390-unit multifamily rental housing project proposed to be located on the northeast corner of the intersection of Alabama Avenue and Barton Road in the City (the "Project"); and

WHEREAS, this City Council, in order to encourage and foster the construction of multifamily rental housing development within the City and as an aid and inducement to the Developer, is willing to authorize the issuance of obligations in an amount sufficient to provide financing for the Project subject to the restrictions of the Act and all applicable California and federal laws as they presently

exist, provided that the Project receives all necessary local government approvals of the City;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF REDLANDS AS FOLLOWS:

Section 1. Findings. This City Council hereby determines that the undertaking of the financing of the proposed Project by the City will be a substantial factor in the accrual of public benefits to be received from the Project, should the Project be approved and constructed, and that the proposed financing is in accord with the purposes and requirements of the Act.

Section 2. Issuance of Obligations. Subject to the completion of the proceedings and other matters relating thereto to the full satisfaction of this City Council, and subject to the proposed Project receiving all necessary local governmental approvals, this City Council hereby agrees to provide financing to the Developer or such other person or entity approved by the City for the Project through the issuance of obligations in an amount not to exceed \$25,000,000.

Section 3. Nature of Obligations. The obligations to be issued shall be special obligations of the City payable solely from revenues to be received by the City pursuant to all agreements in connection with the financing of the Project, all in a form acceptable to the City, and shall not be a general obligation of the City, the State of California, or any political subdivision thereof.

Section 4. Official Action. It is intended that this Resolution shall constitute "some other similar official action" toward the issuance of indebtedness within the meaning of Section 103 of the Internal Revenue Code of 1954, as amended, and the regulations thereunder.

Section 5. Other Approvals. The adoption of this Resolution shall not bind the City to issue bonds or other obligations until and unless all other necessary actions and approvals are taken or received in accordance with all applicable laws. The adoption of this Resolution does not and shall not limit in any manner whatever the City's full discretion to deny any further permit or approval that may be necessary for ultimate completion of the proposed Project. In this connection:

(a) All contracts relating to the acquisition, construction, installation and equipping of the Project shall be solicited, negotiated, awarded and executed by the Developer, for its own account, subject to applicable federal, state and local laws.

(b) The City shall have no pecuniary liability to the Developer for any fees in connection with the Project.

(c) The City shall recover any and all costs to City which are incurred in furtherance of or attributable to the issuance of its bonds. If no bonds are issued, all such costs shall be paid by the Developer.

(d) The adoption of this Resolution shall not in any manner obligate the City to approve the conversion by the Developer of any portion of the Project at any time to condominium units.

Section 6. Bond Counsel. The law firm of Best, Best & Krieger is hereby designated as bond counsel to the City with respect to the issuance of the City's bonds for the financing of the Project, and the City Manager is hereby authorized to enter into an agreement with said firm for such bond counsel services.

Section 7. Effective Date. This Resolution shall take effect immediately upon adoption.

ADOPTED this

Mayor of the City of Redlands,
California

ATTEST:

City Clerk of the City of
Redlands, California

I, LORRIE POYZER, City Clerk of the City of Redlands, California, do hereby certify that the foregoing Resolution was regularly introduced and adopted by the City Council of the City of Redlands, California, at a regular meeting thereof held on the ____ day of _____, 1984, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Redlands, California, this ____ day of _____, 1984.

City Clerk of the City of
Redlands, California