

RESOLUTION NO. 13218-19

A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, APPROVING THE ISSUANCE BY THE NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY OF ITS MULTIFAMILY HOUSING REVENUE BONDS FOR THE ACQUISITION, CONSTRUCTION, RENOVATION, REHABILITATION AND EQUIPPING OF THE IVY FARMS APARTMENTS MULTIFAMILY HOUSING FACILITY LOCATED IN THE CITY OF NEWPORT NEWS, VIRGINIA.

WHEREAS, the Newport News Redevelopment and Housing Authority (the "Authority") is authorized to advertise and hold public hearings relative to the issuance of private activity bonds; and

WHEREAS, the Authority has considered the application of 617 Adams Drive LLC, a Virginia limited liability company (the "Borrower"), requesting that the Authority issue up to \$16,780,000 of its revenue bonds (the "Bonds") to assist the Borrower in financing or refinancing (1) a portion of the cost of acquiring, constructing, renovating, rehabilitating and equipping a multifamily residential rental housing project consisting of 20 garden-style apartment buildings containing approximately 168 units representing approximately 163,800 rentable square feet and known as Ivy Farms Apartments, located on approximately 8.05 acres at 617-621 Adams Drive and 698 Dresden Drive in the City of Newport News, Virginia (the "Project") and (2) certain costs incurred in connection with the issuance of the Bonds (collectively (1) and (2), the "Plan of Finance") and has held a public hearing in connection therewith on February 19, 2019 (the "Public Hearing"); and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that (1) the applicable elected representatives of the governmental unit issuing the private activity bonds and each governmental unit having jurisdiction over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of such bonds, and (2) if a governmental unit has no applicable elected representatives, the bond issuance must be approved by the next higher governmental unit with such a representative and from which the authority of the governmental unit without such a representative is derived; and

WHEREAS, the Authority was activated by and derives its authority from the City of Newport News, Virginia (the "City") and the Project is located in the City; and

WHEREAS, the Authority, as the issuing governmental unit with respect to the Bonds, has no applicable elected representative, the City constitutes the next highest governmental unit with such a representative, and the members of the City Council of the City (the "Council") constitute the applicable elected representatives of the City; and

WHEREAS, the Authority has recommended that the Council approve the issuance of the Bonds; and

WHEREAS, a copy of the Authority's resolution authorizing the issuance of the Bonds, a certificate of the Public Hearing, a summary of the statements expressed at the Public Hearing and the fiscal impact statement concerning the Plan of Finance have been filed with the Council.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA:

1. The Council approves the issuance of the Bonds by the Authority for the benefit of the Borrower, as required by Section 147(f) of the Code, Section 15.2-4906, as applicable to housing authorities, of the Code of Virginia of 1950, as amended (the "Virginia Code"), and Section 36-19(9) of the Virginia Code to permit the Authority to assist in the financing or refinancing of the Plan of Finance.

2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Plan of Finance or the Borrower.

3. The Bonds shall provide that neither the City nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and monies pledged thereto and that neither the faith and credit nor the taxing power of the City or the Authority is pledged to the payment of the principal of the Bonds or the interest thereon or other costs incident thereto.

4. In adopting this resolution, the City, including its elected representatives, officers, employees and agents, shall not be liable for, and hereby disclaim all liability for, any damages to the City or any person, direct or consequential, resulting from the Authority's failure to issue the Bonds for any reason.

5. This resolution shall be in effect on and after the date of its adoption, March 26, 2019.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON MARCH 26, 2019

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor

A true copy, teste:

City Clerk

CERTIFICATE

Record of the roll-call vote by the City Council of the City of Newport News, Virginia, upon reading on a resolution titled **“A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, APPROVING THE ISSUANCE BY THE NEWPORT NEWS REDEVELOPMENT AND HOUSING AUTHORITY OF ITS MULTIFAMILY HOUSING REVENUE BONDS FOR THE ACQUISITION, CONSTRUCTION, RENOVATION, REHABILITATION AND EQUIPPING OF THE IVY FARMS APARTMENTS MULTIFAMILY HOUSING FACILITY LOCATED IN THE CITY OF NEWPORT NEWS, VIRGINIA,”** taken at a meeting of the City Council held on March 26, 2019:

	AYE	NAY	ABSTAIN	ABSENT
McKinley L. Price, DDS, Mayor				
Tina L. Vick Vice Mayor				
Marcellus L. Harris, III				
Sharon P. Scott				
David H. Jenkins				
Saundra Nelson Cherry, D. Min.				
Dr. Patricia P. Woodbury				

Dated: March 26, 2019

[SEAL]

Clerk, City Council of the City of
Newport News, Virginia

The undersigned Clerk of the City Council of the City of Newport News, Virginia, hereby certifies that the foregoing is a true, correct, and complete copy of a resolution adopted by the City Council at its meeting duly called and held on March 26, 2019, in accordance with law, and that such resolution has not been repealed, revoked, rescinded, or amended, but is in full force and effect as of the date hereof.

WITNESS my hand and the seal of the City of Newport News, Virginia this 26th day of March, 2019.

[SEAL]

Clerk, City Council of the City of
Newport News, Virginia